

ROLE OF AN EFFECTIVE MEDIATOR – THE MEDIATOR AS A FACILITATOR

As an effective mediator, one needs to be able to facilitate the dialogue between the parties. This may be the only time the parties have faced each other since the dispute arose.

Thus, the effective mediator must try to keep the discussion going in circumstances where there is often mistrust and hostility. A calm and rationale voice is needed as well as an opportunity for the parties to get their “beef off their chest.”

Once that has occurred, the mediator must try to channel the parties to see the wisdom of a settlement and the folly of continuing their dispute. He or she must find a way to convert the conflict between the parties so that it becomes an impetus to achieving a settlement, not an impediment.

One way to move the parties down this road, as an example, is by phrasing or re-phrasing possible areas of agreement. It is well accepted that disputes are not resolved by dwelling on the negative; resolution will be found by discussing areas of agreement between the disputants and having them see the positives in a settlement.



Herb Silber brings a strong combination of experience, expertise and empathy to his role as mediator.

 hsilber@kmslawyers.com
 <http://www.kmslawyers.com/vcard/hsilber.vcf>
 604.331.8313