

POINTS ON CAUCUS

Purpose--The caucus provides the mediator with an opportunity to meet individually with each party to determine what additional information is needed; what private information, if any, can be discussed; and what areas of settlement can be negotiated. Parties are often so suspicious of each other that they will not talk openly in front of each other. The caucus is the parties opportunity to share information freely.

Preparing To Caucus--The mediator should state as clearly as possible to the disputants the procedures that will be followed for caucusing. Refer back to the remarks you made during your opening statement about caucusing. Remind the parties that what is said during caucus is confidential.

Reasons For Calling A Caucus:

- Gather information that parties may be reluctant to share in the presence of one another
- When the parties are at an impasse
- Regain control if the parties are engaging in a heated discussion
- Generate ideas by asking “what if” questions
- Do reality checks
- Coach the parties on how to approach direct dialogue
- Deliver information to the parties that they are reluctant to do themselves (Do this only with permission from the respective party)
- Find a common interest to encourage the parties to begin talking to each other to reach resolution

What To Do During Caucus:

- Reemphasize confidentiality and ensure you have a clear understanding as to what the party wants to remain confidential
- Allow presentation of additional information
- Cultivate the relationship with each party
- Acknowledge and allow expressions of feelings
- Be the agent or medium for reality testing
- Allow a change of pace
- Enable the parties to examine their positions

Things To Look For: Recognize potential areas of agreement and encourage parties to concentrate on the possible agreements(s). Look into possible solutions that perhaps neither party has considered. Try to find the positive aspects of the situation concentrating on the feasibility of an agreement.

Ending The Caucus: The mediator should be sure to summarize the information conveyed by the party during caucus. This step is important for two reasons. First,

summarizing the information gives the mediator the chance to confirm the information that was conveyed during the caucus; second, summarizing gives the party an opportunity to correct and/or add information prior to finishing the caucus. Finally, the mediator must ask what information, if any, shared during caucus is confidential and cannot be shared with the other party.

Transition: This is now the time for reconvening the parties after the caucuses. At this time the mediator's transition statement might be, "I'd like to thank each of you for meeting with me privately. I now have a clearer understanding of the issues. At this time I would like us to review some of the possibilities that have been discussed in caucus." Or the mediator might say, "I'd like to thank each of you for meeting with me privately. I'm concerned that there seems to be no areas about which you can agree. We need to decide where to go from here. Do either of you have any suggestions?"