



Preparing and Delivering an Opening Statement

CHECKLIST

Taking the time to write out an opening statement helps you gather your thoughts and ensures you have the information you will need in mediation. Use it to:

- ✓ Set a positive tone for the mediation;
- ✓ Acknowledge something about the experience being expressed by the other party;
- ✓ Explain what you understand to have happened that contributed to the dispute and the efforts that have been made to address the concerns raised; and
- ✓ Communicate what is important to you and why, including your desire to address the other party's concerns and your own.

Use the checklist below as a guide for developing your statement.

- Self-Check:** Being asked to mediate can be unsettling and can trigger emotions such as a sense of injury, embarrassment, skepticism, even annoyance. Recognizing what may be going on for you helps you isolate those feelings from what you want to communicate. If you find that difficult, find someone you can confidentially talk it through with.
- Acknowledgement of Effort:** Prepare your opening to set the tone for the mediation. Thanking the other party for attending mediation demonstrates that regardless of the outcome, you appreciate their effort to resolve the dispute together.
- Acknowledgement of Issues:** Consider the basis of the dispute and the issues raised by the other party and what has been done to address them. Explaining these efforts demonstrates a willingness to remedy the situation.
- Acknowledgement of Emotions:** Think about and prepare an acknowledgement of what the other party may have experienced to this point. Recognizing difficult experiences, such as frustration or disappointment helps build trust.
- Statement of Commitment:** Prepare a brief statement about your personal commitment to reaching a mutually beneficial outcome in mediation. Expressing a commitment to making things right or even just a commitment to listen and consider remedies to their concerns moves you both toward resolution.
- Explanation:** Dig into the facts of the dispute and prepare your explanation of events. Your explanation may align with some or all of the other party's story or may communicate an additional perspective that needs to be explored through the mediation process.
- Communication of Concerns and Desired Outcomes:** Create a summary of issues you need addressed and outcomes you want to work toward. Clarifying what is important to you reinforces your explanation and helps set the agenda for the mediation.
- Final Check:** Just before the mediation session, review your checklist and your notes. Be aware of the emotions you may be experiencing and what might trigger a reaction from you. Rely on your written statement to help you stay focused, positive, and productive during the mediation.