

**DISPUTE RESOLUTION CENTER  
AUSTIN, TEXAS  
BASIC MEDIATION TRAINING SCHEDULE  
SEPTEMBER 9, 10, 11, 17, 18, 2020**

**FIRST DAY (SEPTEMBER 9)**

- 08:30 Introductions; overview of the training and expectations
- 09:15 History of Alternative Dispute Resolution (ADR) in the United States, especially Texas
- 10:00 Break
- 10:15 Texas ADR Procedures Act (includes 1 hour of ethics: review of statutory requirements for mediator training, qualified immunity for mediators, mediator impartiality, duty to maintain confidentiality, limited exceptions to confidentiality)
- 11:30 Conflict resolution styles
- 12:00 Lunch
- 13:00 Kraybill Conflict Style Inventory/Working with different conflict styles
- 13:30 Negotiation Role Play 1: Ugli oranges
- 14:00 Break
- 14:15 Principled Negotiation: *Getting to Yes*
- 15:30 Break
- 15:45 Principled Negotiation: *Getting Past No*
- 16:45 Negotiation Role Play 2: Dispute between friends
- 17:30 End

**SECOND DAY (SEPTEMBER 10)**

- 08:30 Mediation goals
- 08:45 Mediation models (includes 15 minutes of ethics respecting mediator impartiality and possible effects of mediator evaluation of merits)
- 10:00 Break
- 10:15 Demonstration of mediation between two parties
- 11:30 The Texas Mediator Credentialing Association (TMCA) and the TMCA Ethical Standards (includes 15 minutes for general review of TMCA Standards of Practice and Code of Ethics, especially Standard 1 (Mediation Defined), Standard 2 (Mediator Conduct), Standard 8 (Confidentiality) and Standard 9 (Impartiality))
- 12:00 Lunch
- 13:00 Mediation intake and preparing for mediation; rules for mediation (includes 15 minutes of ethics regarding TMCA Standard 3 (Mediation Costs), Standard 4 (Disclosure of Possible Conflicts), Standard 5 (Mediator Qualifications), Standard 6 (the Mediation Process) and Standard 7 (Convening the Mediation))
- 14:00 Prepare and practice mediator introductions
- 14:15 Break
- 14:30 The parties' opening statements (uninterrupted time)
- 15:00 The parties' two-way exchange
- 15:15 Active listening, information gathering and trust building
- 15:45 Active listening and information-gathering exercise

## **SECOND DAY (SEPTEMBER 10, CONTINUED)**

- 16:30 Types of questioning (includes 15 minutes of ethics on types of questions that can maintain or destroy appearance of mediator impartiality, referencing TMCA Standard 1 (Mediation Defined), Standard 2 (Mediator Conduct) and Standard 9 (Impartiality))
- 17:00 Questions exercise
- 17:30 End

## **THIRD DAY (SEPTEMBER 11)**

- 08:30 Co-mediation
- 09:00 Mediation Role Play 1: Dispute between neighbors with noise and dog issues
- 10:00 Clarifying interests and issues while maintaining trust
- 10:15 Reframing interests and issues with neutral language (includes 15 minutes of ethics relating to reframing interests and issues while maintaining trust and appearance of impartiality, referencing TMCA Standard 1 (Mediation Defined), Standard 2 (Mediator Conduct) and Standard 9 (Impartiality))
- 10:30 Exercise: Reframing interests and issues with neutral language
- 11:30 Developing an issue statement and a negotiation agenda in mediation
- 12:00 Lunch
- 13:00 Mediation Role Play 2: Dispute between merchant and customer (the case of the tiny swan)
- 14:30 Break
- 14:45 Generating and evaluating options
- 15:15 Exercise: Brainstorming
- 15:45 Caucusing (includes 15 minutes of ethics relating to maintaining confidentiality of information parties reveal in caucus, referencing TMCA Standard 8 (Confidentiality) and Standard 10 (Disclosure and Exchange of Information))
- 16:15 Mediation Role Play 3: Dispute between police officer and citizen
- 17:30 End

## **FOURTH DAY (SEPTEMBER 17)**

- 08:30 Impasse and breaking impasse
- 09:15 Mediation Role Play 4: Dispute between environmentalist and prolific catalog retailer
- 10:45 TMCA Standards regarding professional advice and writing agreements (1.25 hour of ethics regarding TMCA Standard 11 (Professional Advice), Standard 13 (Termination of Mediation Session) and Standard 14 (Agreements in Writing))
- 12:00 Lunch
- 13:00 Writing mediated settlement agreements; terminating the mediation
- 13:45 Mediation Role Play 5: Dispute between employer and former employee (sexual harassment charge)
- 15:15 Break
- 15:30 Mediation Role Play 6: Dispute between supervisor and supervisee (workplace bullying)
- 17:30 End

## **FIFTH DAY (SEPTEMBER 18)**

- 08:30 Mediation Role Play 7: Dispute between landlord and tenant; practice writing mediated settlement agreement
- 10:15 Working with attorneys in mediation
- 10:45 Mediation Role Play 8: Dispute between business owner and disabled veteran regarding presence of service animal on business premises; practice caucusing and writing mediated settlement agreement
- 12:00 Lunch
- 13:00 Miscellaneous ethical issues (15 minutes of ethics, review of TMCA Standard 12 (Mediator's Relationship with the Judiciary))
- 13:15 Mediation Role Play 9: Dispute between merchant and customer, both parties represented by attorneys; practice caucusing and writing mediated settlement agreement
- 15:15 Break
- 15:30 Mediation Role Play 10: Dispute between sellers and purchasers of home, both parties represented by attorneys; practice caucusing and writing mediated settlement agreement
- 17:00 Summary of key learning points and delivery of certificates
- 17:30 End