

Three Styles of Mediation

Mediation is a process that can be conducted in three ways that vary in formality, goals, the mediator's techniques, and outcomes. Listed from more formal to less formal, the styles of mediation are: settlement conference, facilitative, and transformative.

A settlement conference is the most formal style and is conducted primarily by attorney-mediators. Its goal is settlement, the attorneys tend to speak for the clients, the mediator often separates the parties and their attorneys into separate rooms, and the mediator may give an opinion regarding the likely outcome of the case in court. The mediator may not have had mediation training.

A facilitative mediation is less formal and is conducted by trained mediators who often are not attorneys. The mediator's goals include improving the relationships of the parties as well as settlement. The parties and their attorneys often remain in the same room, although the mediator uses communication skills and techniques to separate the people psychologically from the problem. The mediator does not give an opinion about the outcome of the case in court but instead explores the parties' interests and feelings to achieve a mutual understanding as a foundation for an agreement.

A transformative mediation is the least formal process. The parties are invited to shape the mediation process and they lead it while a trained mediator assists them. The mediator's goals are empowerment of the parties and helping the parties to recognize the options that are available to them within the conflict situation. The mediator's techniques include restating, reframing, identifying emotions and open-ended questions. While settlement may occur, that is a secondary goal for the mediator.