

## PROCESS OVERVIEW

### Pre-mediation Preparation

- Parties agree to mediate.
- Mediator is selected/appointed by random rotation or mutual request. Parties have right to object to selected mediator.
- Arrangements are made via letter or telephone. Pre-mediation concerns are addressed. Date and time scheduled at the convenience of the parties, typically within 15 days of the request for mediation.
- Witnesses and/or attorneys may attend. This is not necessary because the process is non-adversarial and does not invoke findings of fact.
- Information is exchanged. Parties need not prepare exhibits or extensive documentation. If a document will clarify an issue it may be used, but parties are reminded that mediation is not a fact-finding conference.

### MEDIATION CONFERENCE

#### 1. Mediator's opening statement / questions

- Explain process/rules/goals, including voluntariness, neutrality, and confidentiality.
- Complete Mediation Agreement Form.

#### 2. Parties' initial statements / questions

- Understanding perspectives
- Venting

#### 3. Identification of issues

#### 4. Create agenda

#### 5. Cross-talk

Parties respond to each other and explain/explore information, needs, and feelings.

#### 6. Caucus (private meeting)

Mediator may meet privately with the parties to clarify needs and explore options for resolution and proposals.

#### 7. Building an agreement

With the mediator's assistance, parties explore and refine workable solutions.

#### 8. Conclusion

Agreement is reached/signed before leaving mediation, or all agree that no further progress can be made, in which case parties are free to pursue other dispute devices (i.e. Litigation).

**NOTE:** Mediators do not have the power to enforce the decision of the parties. Be prepared to conclude the process at the time of mediation settlement.

To investigate mediation further contact the UAR at 801-268-4747 or e-mail: [mediationinfo@utahrealtors.com](mailto:mediationinfo@utahrealtors.com).



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