

Pre-mediation “Temperature Check” meeting

Often and despite thoughtful convening efforts, the parties will arrive on the day of mediation hesitant or anxious. It’s predictable that human beings, forced to recall the factual content of a dramatic life event, will also experience the accompanying emotion. Therefore, **don’t overlook the opportunity, some would say necessity, of meeting briefly and privately with the parties in advance of the joint meeting.**

What is a Temperature check meeting:

A brief meeting between the mediator and the individual party to confirm their understanding of expectations, gauge their willingness to participate, and “temperature check” the party’s emotions.

The Purpose:

This purpose of this pre-mediation conversation is to alleviate anxiety, put everyone at ease and help prepare the party for a productive opening session.

How to:

A few minutes of a mediator’s time spent speaking with the party privately, prior to the opening meeting, goes a long way toward establishing trust, rapport and comfort. Ask how they are feeling, revisit expectations, acknowledge the stress of the moment and emphasize their role in upcoming negotiations.

Be careful:

It is important, however, that the mediator do not rob the ensuing joint session of its authenticity. When parties are first presented with an opportunity to talk to the mediator, they often launch into great detail and must be reminded by their mediator of the importance of saving their message for the broader audience. I tell parties in temperature check meetings to think of me as a movie producer, “and I don’t want them to leave all this great dialogue on the cutting room floor”.

“I once mediated a dispute between an owner and a general contractor involving the construction of a commercial shopping center. Before going to mediation, the parties had met in an attempt to work out their differences directly. The meeting broke up prematurely after the contractor appears to “roll his eyes” every time the building owner offered a different perspective. Knowing this, on the morning of mediation I met with the contractor privately to ensure that he was ready to participate in the opening meeting. I explained to him that the goal of the opening meeting was to get his message across to decision-makers on the other side and that he should prepare himself to listen without rolling his eyes, lest the content of his message gets lost in the delivery. This brief rehearsal paid dividends, as the contractor not only avoided the negative impact of this nonverbal communication but also adopted a more conciliatory tone in his remarks”. – Bruce Edwards