

Four ways to break impasse

Moving from impasse

The disputants and or attorneys have stopped talking or never started.

When we start a mediation are we beginning a conversation or are we beginning with an communication impasse?

The techniques we use to start or continue the settlement conversation take many pathways.

The concepts we present or discuss in an opening session set the foundation for getting the parties beyond impasse later in the day.

Humor

What would you do if you were the trier of the facts?

Are your analysis believable?

How many times do you think you can achieve this goal in a courtroom?

What % of times can you win at the level you are demanding or offering?

What are the downsides of continuing this dispute?

Use of Patten Jury Charge

Risks of moving forward

Time

Emotion

Cost

Humor

I have tried a putting green in the hall way

Always remember the basis of our questions:

What , when , how who, where, why

What will ___ do for you?

Tell me

What do you mean?

Help me understand

I am curious

Where will.....

What happens if you don't settle today

Why is

Is this

What if they come down to X can you move up to X

Follow up if conversation is stalled rather than calling an impasse. However, if you tell the attorneys you are going to follow up put it on your calendar and actually follow up.

Mediators proposals :not my favorite tool in the box

Bracketing

A what if option --- modified bracket

Set up audience role play?