

INDEX

A

- “AAA Designs ADR Insurance Procedures”, 75
- Abdalla, A., 63
- Abu-Nimer, M., 63
- Academy of Family Mediators (AFM), 73, 584
- Accommodation, 147
- Acland, A., 89
- Actions: engaging in reflection-in-action, 45; as result of emotions or thoughts, 138. *See also* Moves
- Active listening, 254–256
- Actual deadlines, 500
- Actualizing beliefs, 544–545
- Ad hoc agenda development, 352
- Adler, P., 77
- Adler, R., 256
- Administrative approaches to resolutions, 9–10
- Administrative Dispute Resolution Act, 74, 589
- Administrative/managerial mediators, 29, 33
- Advertising by mediators, 600
- Advisory Committee on Court-Connected Mediation, 101
- Advisory mediation, 55
- Advocates, 118
- Aetna, 78
- Afghanistan, 64–65
- Africa: beginning mediation in, 324; mediation organizations in, 586; overview of contemporary mediation, 80–83; traditional mediation practices in, 67
- African Centre for the Constructive Resolution of Disputes (ACCORD), 81, 82
- African Development Bank, 76
- African Initiative Mediation (AIM), 586
- African National Congress, 81
- Afzal, M., 88
- Agendas: ad hoc development of, 352; alternation of issues, 352–353; approaches for, 351; building-block, 354; considering potential, 196; cultural approaches to forming, 359–362; developing, 201–204; easier items first, 353–354; handling difficult issues for, 356–359; principled, 353; ranking items by importance, 353; trade-offs or packaging, 354–355
- Agreement-in-principle approach, 392, 394–395
- Agreements: acknowledging differences without, 542–543; commitment procedures for voluntary, 453–455; developing bargaining formulas, 441–443; developing tentative offers toward, 437; to disagree, 426; establishing standards for, 401–402; evaluating options for, 209–212; implementing, 477–484; links and trades strategies for reaching, 403, 440, 451; monitoring performance of, 481; outlining outcomes to conflicts, 425–427; package, 406–407; potential strength of, 419; preventing future disputes, 214–215; procedural solutions to reach, 406, 426; reaching, 164–166, 212–214, 435–436, 452–453; reaching bottom line, 429–430; recognizing acceptable, 449–452; reviewing benefits of reaching, 427–429; setting for mediation process, 199; strength of potential, 419; summarizing in Memorandum of Understanding, 609–610; using model, 405; voluntary

- Agreements: (*cont'd*)
 participation in, 27–28; walking through, 452; written, 451–452, 455–458. *See also* Best Alternative to a Negotiated Agreement; Final agreements
- Aiken, M., 245
- Ajqij*, 68
- Al-Omari, J., 64
- Al-Ramahi, 64
- Alcaldes*, 68
- Alexander, N., 55
- Algeria, 101
- All Africa Conference on African Principles of Conflict Resolution and Reconciliation, 80
- Alliance for Peacebuilding (AfP), 585
- Allstate, 78
- Alternation of issues, 398–399
- Alternative Dispute Resolution (ADR), 85, 97–98
- “Alternative Dispute Resolution in Thailand”, 85
- American Arbitration Association, 70, 74, 75, 228, 593–602
- American Bar Association (ABA), 583, 584–585, 593–602
- Anaconda, D., 557
- Andrew, A., 66
- Andrews, M., 78
- Annan, Kofi, 81
- Antoun, R., 100
- Apologies, 463–466
- Appointed mediators, 221–222
- Approaches: accommodation, 147; avoidance, 146; competition with win-lose outcome, 146–147; illustrated, 147; win-win, 146, 147
- Arabuluculuk*, 63
- Araki, C., 72
- Arbitration, 10–11
- Arbitrators’ Institute of New Zealand, 586
- ARD and USAID, 86
- Argentina, 95–96, 98, 586
- Argyris, C., 23
- Army Corps of Engineers, 74, 75, 459
- Artificial deadlines, 500
- Aryal, L., 88
- Asfura-Heim, P., 100
- Asia: Buddhist mediation techniques used in, 65–66; mediation associations of Asian Pacific regions, 585; overview of mediation in, 83–89
- Asia-Pacific Mediation Forum, 585
- Asia-Pacific Organization for Mediators (APOM), 585
- Asian Development Bank, 76, 483
- Asian Mediation Association, 85
- Assefa, H., 82
- Association for Conflict Resolution (ACR), 73, 576, 579, 580, 582, 583, 584, 585, 587, 588, 591, 592, 593–602
- Association for Mediation, 585
- Association National des Médiateurs, 92
- Association of American Law Schools, 584
- Association of Family and Conciliation Courts (AFCC), 286, 584
- Association of Family Mediators (Poland), 94
- Association of Mediators of the Czech Republic, 585
- Association of Polish Mediators, 94
- Association Pour la Médiation Familiale, 91
- Assumption approach, 246
- Asymmetrical power relationships, 520–522
- Attitudes: in Circle of Conflict, 110; defined, 159; questions uncovering, 162–163
- Aubert, V., 356, 439, 532, 535
- Auerbach, J., 69
- Augsburger, D., 80
- Australia, 103–104, 586
- Australian Dispute Resolution Association (ADRA), 586
- Austria, 93
- Authoritative mediators: about, 29, 31–32; administrative/managerial mediators, 29, 33; reputation/status/position-based mediators, 29, 32–33; vested interest mediators, 29, 34
- Authority: customary or religious, 57–59; maintaining in negotiations, 513; mediator’s decision-making, 22; used by social network mediators, 31

- Avoidance: approaches using, 146;
procedural means using, 447–448;
resolving conflict with, 7
- Ayendo, B., 80
- B**
- Babbitt, E., 74
- Background information: assigning data collectors to record, 240–241;
collecting and analyzing, 190–193, 237–239; direct observation and site visits for, 242–245; gathering, 239–240, 241, 243–245; sequencing interviews for, 246–248
- Bacow, L., 76, 442
- Bagozzi, R., 518
- Bagshaw, D.M., 86
- Baldwin, C., 53, 73
- Baldwin, L., 103
- Bangladesh, 87–89
- Barangay Justice System, 87, 286
- Barfield, T., 57, 65
- Bargaining: fear of revealing positions in, 437; finding settlement ranges, 172–173; formulas for, 441–443; rejecting offers based on negative transference, 438
- Barnes, B.E., 67, 68
- Barnes, D., 524
- Barsky, A., 74
- BATNA. *See* Best Alternative to a Negotiated Agreement
- Batton, J., 72
- Bazerman, M., 74, 414
- Beer, J., 46
- Begin, Menachem, 437–438
- Beginning mediation: activities and moves for, 198–201; affirming parties' willingness to meet, 308–309; clarifying mediation and mediator's role, 309–311; cultural variations for, 323–324; defining use of private meetings, 315–316; describing confidentiality of issues, 316–317; developing agendas, 340–342, 351–356; developing meeting guidelines, 318–321; discussing mediation costs, 321–322; emphasizing mediation as voluntary, 311–312; first sessions, 301–303, 305–307; framing issues, 340–351; getting commitment to begin, 322–323; logistics of meetings, 318; making procedural agreements, 313–315; neutrality and impartiality of mediators, 312–313; opening statements for, 307–308, 322, 323, 336–337; tasks and goals for, 197–198; welcoming parties, 303–305. *See also* Agendas; Opening statements
- Behavioral guidelines, 319
- Beliefs: actualizing, 544–545; appealing to disputants', 515; changing relationships rather than, 539–542; in Circle of Conflict, 110; clarifying divergent, 544; compensation for lost, 546–547; creating tension between competing, 547–552; defined, 158–159; developing spheres of interest in conflicts over, 545–546; disputes involving strong, 531–537; identifying superordinate, 552–553; negotiating peripheral elements rather than, 538–539; operational values, 534–535; questions uncovering, 162–163; referring to third-party decision maker, 553–554; reframing issues without, 537–538; responding to differences in, 536–537; self-definition, 532–533; terminal, 533–534; valuing differences in, 537–544
- Bellman, H., 43
- Bellows, G., 520
- Benjamin, M., 48, 453–454
- Berger, P., 342
- Berkeley, A., 558
- Berkovitch, J., 42, 532
- Berkowitz, L., 256
- Berman, M., 392, 435, 441, 442, 443
- Best Alternative to a Negotiated Agreement (BATNA): assessing, 121, 428–429; evaluating options based on, 417; identifying approaches to, 149; introducing, 209, 212, 230, 284; using in evaluative mediation, 56
- Best practices: advancing mediation practice, 601; advertising and solicitation, 600; associations supporting, 583–586; codes of ethics and standards of practice, 586–588;

- Best practices: (*cont'd*)
 codification of, 574–575; ensuring mediation quality, 598–600; fees and charges, 600–601; lists of professional mediation practitioners and organizations, 583; Mediation Services Agreement, 603–606; Model Standards of Conduct for Mediators, 593–602; opening statement checklist, 607–608; professional milestones in mediation, 573–574; qualifications for specific areas of practices, 588; regulating competency of practitioners, 588–592; Settlement Documentation Form, 609–610; training programs in mediation, 575–582
- Bianchi, H., 63
 Bickerman, J., 56
 Biddle, A., 74
 Billikopf-Encina, G., 50
 Bingham, L.B., 49, 76, 480
 Blake, R., 74, 332, 335, 472, 530
 Bluehouse, P., 68
 Bluffs, 376–377
 Bonner, M., 183
 Bookstaff, H., 285, 316
 Bordone, R., 574
 Bottom line, 429–430
 Boulding, K., 342
 Bradley, S., 71, 332
 Brainstorming, 403
 Braithwaite, J., 52–53, 73
 Brand, N., 225
 Brazil, 96–97, 586
 Brazilian National Council of Justice (CNJ), 96
 Brett, J., 74, 75, 558
 Bright, C., 53
 Bronstein, R., 283
 Brookmire, D., 400
 Brown, B., 23, 234, 348, 378, 400, 437, 439, 518, 523, 558
 Brown, D., 65
 Brown, L.D., 74
 Brown, L.M., 456
 Buchanan, L., 421
 Buddhist mediation techniques, 65–66
 Building-block approach, 354, 392, 393–394
 Bulgaria, 94–95
 Bundersverband für Familienmediation, 586
 Bureau for Aliens and Foreign Immigrants Affairs (BAFIA), 102, 103
 Bureau of Reclamation, 74, 273
 Bureaucratic constituency, 567–568
 Burgess, H., 48
 Burrell, N.A., 72
 Burton, J., 127, 332
 Bush, R., 48, 49, 50, 332, 335
 Businesses using mediation, 75–76
- C
- Calhoun, P., 524
 Callister, C.R., 66
 Callister, R., 84
 Camelino, G., 62, 64
 Camp David Accords, 406
 Campbell, A., 74
 Canada: labor-management mediation in, 70, 71; managing interpersonal disputes in, 72–74; Native Indian mediation practices, 67, 68
 Canadian Federal Mediation and Conciliation Service, 70
 Canadian Human Rights Commission, 71
 Carpenter, S., 76, 233
 Carter, J., 34, 101, 406
 Carter, L., 64–65
 Cash, W., 243, 260, 262
 Caucus rooms, 290
 Caucuses. *See* Private meetings
 Cavitt, J., 72
 CDR Associates, 73, 76, 273
 Celico, K.P., 77
 Center for Conflict Resolution, 81
 Center for Dispute Resolution, 82
 Centre de Médiation et d'Arbitrage de Paris, 91
 Centre for Intergroup Studies, 81, 82
 Centro Italiano per la Promozione della Mediazione, 585–586
 Chai, H.B., 85
 Challenging question, 264
 Chance, C., 524
 Chandler, D., 72
 Chandler, J.P., 401
 Chapman, C., 67

- Charbonneau, P., 524
- Checklist for opening statements, 607–608
- Chen, G-M, 66
- Chia, H.B., 66
- “Chicken” strategies, 505
- China, 324
- Chinkin, C., 80, 103
- Christian mediation traditions, 62–63
- Chubb, 78
- Chukai-sha*, 84
- Cialdini, R., 539, 540
- Cigna, 78
- Circle of Conflict, 110–111; data collection framework in, 238–239; dividers in, 111–112; driving factors in, 111; emotional or substantive issues, 115–116; factors analyzed in, 116; gathering information using, 191–192; genuine vs. unnecessary conflict, 114–115; illustrated, 110; issues, needs, and interests in, 122–130; options for understandings, agreements, and outcomes for, 164–166; people and parties in, 116–122
- Citizen Mediation Centers (CMCs), 83
- Civil Rights Act, 71
- Clarifying issues: questions for, 126–127, 263; for understanding divergent beliefs, 544
- Clarity of written agreements, 456
- Clark-McGlennon Associates, 221
- Clark, P., 456, 481, 569
- ClickNSettle.com, 79
- Clinton, Bill, 589
- Cloke, K., 36, 74
- Closed questions, 261, 263
- Closure: achieving, 212–214, 452–453; activities marking, 473–474; cultural approaches to, 475–476; implementing, 214; procedural, 459–460; provisions for future disputes, 482–483; psychological, 460–461; in Whittamore-Singson case, 474–475. *See also* Psychological closure
- Coates, R., 73
- Cobb, S., 50, 524
- Cobbmediation, 523, 524
- Coben, J., 70
- Codes of ethics. *See* Ethics
- Codification of mediation practices, 574–575
- Cognitive structural factors, 153–154
- Cohen, H., 502, 568
- Cohen, R., 72, 182
- Collaboration: based on needs and interests, 127; building on positive histories and relationships, 135; concepts about opportunities for, 111–116; identifying opportunities for, 195; impact of information on, 142; opportunities for in Circle, 110–111; structural sources contributing to conflict and, 153–158; understanding impact of emotion on, 139–141; win-win approaches and, 146, 147, 148
- Collier, J., 68
- Colombia, 586
- Colosi, T., 558
- Columbia, 97–98
- Comaroff, J., 22, 81, 433
- Comeau, E., 221, 316
- “Commercial Mediation in Mexico” web page, 98
- Commissions d’Accueil et Réinsertion, 82
- Commitments: Agreement to Mediate clauses, 604–606; building for substantive agreements, 452–453; economic incentives or constraints for, 459; enforcing agreements, 453–460; externally induced, 455; gaining from key parties, 230–232; getting in first session, 322–323; “good-faith”, 201; to specific positions, 389–392
- “Common Negative Feelings” web page, 139
- Communications: analyzing, 143–146; appropriate language for, 348–349; in Circle of Conflict, 110; cultural variations in opening statements, 340; detecting strong beliefs or values in, 160–161; enhancing, 25; framing and reframing information in, 257–259; handling opening, 305–307; importance of listening in, 253–256; interpreting between parties, 511; making joint problem-solving statements, 260; nonverbal, 192, 251–253; opening, 183; summarizing

- Communications: (*cont'd*)
 interviewee's points, 259–260; tone of written agreements, 457–458; words for positive and negative emotions, 139. *See also* Framing
- Community-based mediation: Mongolian, 84; Nepalese, 88; uses for, 72
- “Community Mediation in Nepal” web page, 88
- Community Relations Service (CRS), 71
- Compensatory justice, 442
- Compliance: developing steps for agreement, 480–481; measuring, 479; voluntary, 453–460
- Compromise, 425
- Compton, R., 72
- Conciliatory negotiations, 561
- Confederation of Independent States (CIS), 93–94
- Confianza*, 20
- Confidentiality: describing limits of, 316–317; maintaining in private meetings, 495–496, 497–498; standards of, 597–598
- Confidentiality statements, 317
- Conflict analysis: analyzing communications, 143–146; approaches, procedures, and strategies in, 146–149; beliefs, values, and attitudes in, 158–163; collecting data for, 109–110, 271; conducting, 107; confirming issues for resolution, 126–127; data-related conflicts, 141–143; defined, 107; evaluating power and influence in, 149–153, 195; fact finding in, 106–107; framing issues in, 124–125; gathering information on issues, 123–127; identifying emotions in, 138–141; identifying key people and parties in, 116–122; identifying needs and interests, 129–130; making go/no-go decision after completing, 274–276; presenting to disputing parties, 271–274; questions to ask parties, 121–122; reviewing parties' histories, relationships, and interactions, 130–138; steps in, 108–109; understanding information collected in, 142–143. *See also* Circle of Conflict
- Conflict management, 5–6
- Conflict resolution, 169, 170. *See also* Negotiations; Resolutions
- Conflict Resolution Education Network (CREnet), 584
- Conflict Resolution Network, 586
- Conflicts: activities marking end of, 473–474; challenging personal identity, 535; circle of, 110–111; as context for mediation, 23; dissensual, 356–359, 531–537; histories, relationships, and interactions as sources of, 131; identifying genuine and unnecessary, 114–115; information as source of, 141–143; involving beliefs and values, 535; pure, 552; resolving with mediation, 24; reviewing possible outcomes to, 425–427; structural sources contributing to, 153–158; techniques for win-win options in, 398–399; types of, 23–24; understanding impact of emotion on, 139–141; viewing as mutual problems, 41; viewing concessions as weakness, 437–438. *See also* Conflict analysis
- Conflicts of interest, 596
- Connectors: defined, 111, 112; examples of interviewers finding, 113, 114; handling beliefs as, 162; involving people and parties, 119, 120–121; questions assessing, 166–167; reviewing histories creating, 130, 131–132; in Whittamore-Singson case, 167
- Connor, K., 64–65
- Connors, J., 68
- Consensual conflicts, 356
- Consensus Building Handbook, The* (Susskind, McKernan, and Thomas-Larmer), 574
- Consensus decisions, 559–560
- Consequential question, 264
- Constantino, C., 75, 483
- Constituents: decision making hierarchies by, 567–569; designating as negotiation participants, 282; educating, 569–570; providing assistance to, 569
- Contacting disputing parties: activities and moves for, 188–190; being appointed

- as mediator, 221–222; building credibility, 223–227; data collection when, 233; difficulties of single-party invitations, 216, 218–219; direct invitations for, 216, 219–220; early-entry vs. late-entry intervention, 234–236; educating participants in mediation process, 229–230; establishing rapport with disputants, 227–228; gaining commitment to mediate, 230–232; goals and tasks of, 187–188; problem solving, 233–234; referral by secondary parties, 220–221; tasks when, 222–223; ways for, 232–233
- Contingent strategies, 184–185
- Contracts for mediation, 231, 321–322
- Contributing causes, 112
- Convening reports, 272, 273–274
- Coogler, O.J., 44, 73, 319, 584
- Cook, J., 72, 217–218, 221, 453, 480
- Coolidge, G., 523
- Coordinated and uncoordinated deadlines, 500
- Coover, V., 268, 560
- Corcoran, K., 74
- Cormick, G., 76, 222, 234, 556
- Cormick, Gerald, 222
- Corps of Engineers, 74, 75, 459
- Coser, L., 23, 114, 474, 477
- Cotter, 50
- Courts: Bangladesh alternatives to, 88–89; examples of Asian mediation in, 86; mediation within Korean, 84
- CPR Institute for Dispute Resolution, 75
- CR Info., 51, 52
- Craver, C., 524
- Credibility: building, 223–227; developing in data collection interviews, 248–249; institutional, 223–224; personal, 223; procedural, 224–225; shifting positions because of mediator's, 400; substantive, 225–227
- Creighton, J., 161, 381
- Crohn, M., 73
- Cross, J., 366, 499
- Crowfoot, J., 234
- Cruikshank, J., 76
- Cultural variations: approaches to forming agendas, 359–362; beginning mediation, 323–324; committing to voluntary agreements, 454–455; deadlines in intercultural disputes, 506–507; developing options, 411–412; identifying needs and interests, 383–386; influences in mediation, 522–523; monitoring final agreements, 484–485; opening statements, 339–340; refining options, 433–434; sequential small-group negotiations, 566
- Curle, A., 23
- Currie, C., 46, 78
- Customary mediation: handling disputes with, 57–59; history of, 61–69; traditions of Oceania-Pacific region using, 66–68
- Cuzzo, M., 49
- Cybersettle.com, 72
- Czech Republic, 24
- ## D
- Dahl, K., 246
- D'Antonio, W., 245
- Data arbiter, 118
- Data collection: active listening for, 254–256; analytic framework for, 238–239; assigning data collectors, 240–241; by co-mediators and in multiparty disputes, 267–271; collecting information, 109–110, 190–193, 237–238; conducting interviews for, 241; determining methods for, 191; developing rapport and credibility, 248–249; direct observation and site visits for, 242–245; entry strategies for, 233; framing and reframing data, 257–259; identifying key parties in disputes, 245–246; interviews for gathering data, 243–245; presenting analyzed data to parties, 271–274; primary and secondary data sources, 242–243; questioning and questions for, 260–264; recording session information, 265–267; sequencing of interviews for, 246–248; timing in, 239–240; using in conflict analysis, 271; verifying data, 269–271

- Data providers, 117–118
- Dauer, E., 78
- Davis, A., 223
- Davis, R., 218
- Deacon, E., 268, 560
- Deadlines: actual and artificial, 500;
avoiding dangers in, 505–506;
coordinated and uncoordinated, 500;
cultural factors around, 506–507;
defined, 499; effective use of, 502–505;
explicit or vague, 501–502; function
of, 499; internal and external,
499–500; making parties aware of,
502; rigid and flexible, 500
- Deadlocks: anticipating possible, 295–297;
deadlines creating impasse, 504;
reframing issues to avoid, 349–350;
sidebar meetings breaking, 565–566
- Deal makers: author's bias toward, 59–60;
negotiating environmental mediations,
44; negotiations by, 42–43
- Decision making: by consensus, 559–560;
decision-making approach to
identifying key parties, 246; deferring,
426; go/no-go decisions, 193, 273–276;
hierarchical, 559; Indonesian, 65;
mechanical procedures for, 447;
mediators' authority in, 22; methods
used by negotiating teams, 558–560,
by negotiation teams with constituents,
567–570; role of experts in, 284–285;
third-party decision makers for, 446,
553–554. *See also* Third parties
- Decision-making approach, 246
- Deferred decisions, 426
- Definitional framing, 344–345
- Delays, 505–506
- Delbecq, A., 404
- DeLeon, L., 74
- Dembart, L., 221, 222, 522
- Democratic Republic of Congo, 82
- Deng, F., 58, 67
- Denmark, 90
- Designing mediation plans: anticipating
possible deadlocks, 295–297; choosing
mediation location, 287–288;
considering media's role, 285–287;
considering mutual education of
parties, 294–295; designating
participants in negotiations, 279–287;
moves for, 194–197; physical
arrangement of venue, 288–291;
planning first joint session, 293–294;
planning for negotiation procedures,
292–293; psychological condition of
parties, 291; questions for, 278–279;
reviewing issues, interests, and
settlement options, 291–292; timing
for, 277–278
- Detoxification framing, 344
- Deutsch, M., 437
- Dewdney, M., 80, 103
- Dholakia, R., 518
- Diamond, J., 57, 66
- Dictionary of Conflict Resolution* (Yarn),
574
- Dierx, D., 96
- Dignity violation, 132–133
- Disputants: appealing to beliefs of, 515;
choosing type of opening statement,
335–336; conflict resolution
preferences of, 149; decision making
authority for, 22; demanding
negotiations in own space, 287–288;
emotional or substantive issues of
conflict, 115–116; establishing rapport
with, 227–228; evaluating histories
and relationships of, 134–135;
expectations of assistance, 37–38;
exploring strong beliefs with, 161–162;
external parties influencing, 517–518;
“good-faith” commitments from, 201;
identifying key, 121–122, 245–246;
learning about mediation process,
229–230; legal rights of, 311, 312;
observing power and influence of,
152–153, 399–400, 508–510;
therapeutic mediation for, 48–50;
understanding beliefs, values, and
attitudes in, 158–163
- Dispute Resolution Forum, 589
- Dispute Settlement Committees (DSCs),
102
- Disputes: associations for resolution of,
583–586; common occurrence of, 3;
conflict analysis in multiparty, 108; as
context for mediation, 23; defined, 7;
dividers in, 111–112; extralegal
approaches to resolving, 13–14;
handling using customary or religious

- authority, 57–59; inviting mediator's help in, 219–220; Jewish and Christian traditions for resolving, 62–63; job of mediators in, 8–9; multiparty public, 108; provisions for resolving future, 482–483; resolving, 8, 24; reviewing possible outcomes to, 425–427; role of experts in, 117–119; understanding parties involved in, 121–122; viewing as mutual problems, 41; Whittamore-Singson, 3–5
- Dissensual conflicts: approaches for mediating, 531–537; handling framing and agendas for, 356–359
- Dividers: analysis of Whittamore-Singson case for, 167–168; beliefs, values, and attitudes as, 160; defined, 111–112; examples of, 113, 114; involving people and parties, 119–120; major or contributing causes of disputes, 112; questions assessing, 166–167; reviewing histories creating, 130; turning into connectors, 114
- “DNH—Do No Harm Guidance Note”, 111, 166
- Doelker, R.E., Jr., 72
- Dohrenwend, B.S., 261
- Domenici, K., 48
- Dong Won-Son, 66, 84
- Douglas, A., 236, 570
- Douvan, E., 523
- Downing, T., 217
- Doyle, M., 184, 560
- Drake, W., 72
- Dubois, R., 335
- Dukes, E.F., 76
- Dutch Mediation Institute (NMI), 92
- E**
- “Easier items first” agendas, 353–354
- East Timor, 86–87
- Eckhoff, T., 22
- Economic incentives or constraints, 459
- Edossa, J., 67, 83
- Education: articulating values and beliefs as, 542; educating parties, 204–207, 229–230; providing for constituents, 569–570; teaching mediation skills in US, 72–73; university certificate programs, 582–583. *See also* Mutual education; Training programs
- Efron, N., 101, 102
- Egypt, 100
- Ehrman, J., 77
- ELLA, 68
- Ellis, D., 73–74
- Ellis, R., 524
- Emerging disputes, 23–24
- Emery, 73
- Emotions: active listening for discussing, 254–256; in Circle of Conflict, 110; effect of prolonged venting, 235; identifying for issues, 125–126; identifying in conflict analysis, 138–141; reframing communications with toxic, 344–345; role in dispute, 115–116; words for positive and negative, 139
- Empathy, 543
- Ensuring Competence and Quality in Dispute Resolution Practice*, 589
- Environmental mediation: deal makers negotiating, 44; examples of, 76–77; Indonesian, 86
- Environmental Protection Agency, 77, 276
- Epstein, A., 67
- Epstein, J., 68
- Equitable justice, 442
- Erickson, B., 48, 74
- Erickson, E., 245
- Erickson, S., 73
- Esser, C., 268, 619
- Ethical Standards of Professional Responsibility (SPIDR), 587
- Ethics: Brazilian standards for mediators, 97; Columbian mediation laws and, 97–98; developing professional mediation, 586–588; *Model Standards of Conduct for Mediators*, 593–602
- Ethiopia, 83
- Europe: contemporary mediation practices in, 89–95; history of mediation in, 63; mediation organizations in, 585–586
- European Bank for Reconstruction and Development, 76, 483
- European Conference on Peacemaking and Conflict Resolution, 585
- European Judicial Network, 93
- European Justice—Denmark, 90

- European Justice—France, 92
 European Justice—Ireland, 90
 European Justice—Poland, 94
 European Justice—UK, 89
 European Union (EU), 89
 Evaluative mediation, 56–57
 Executive actions, 458–459
 Exerting mediator influence: coordinating parties' means of influence, 508–510; power exerted by, 507–518; situations requiring, 507–508; using external parties to influence disputants, 517–518
 Expanding questions, 263
 Expansion of the resource, 398
 Experts: managing selection of, 518; option-generation procedures using outside, 407; planning involvement of, 284–285; questions to ask, 122; types of, 117–119
 Explaining questions, 263
 Explicit deadlines, 501–502
- F**
- Facilitative mediation: about, 46–47; author's bias toward, 59–60; focus of, 47
 Facilitative spokespersons, 563
 Failure to answer questions, 262
 Fairview Medical Clinic, 3–4
 Families: committing to voluntary agreements, 454; focusing mediations involving children, 43–44; Japanese mediation among, 84; mediation within, 43–44, 73–74; United Kingdom mediation services for, 89–90
 Faulkes, W., 103
 Faundez, J., 68
 Federal Association of Family Mediation, 92
 Federal Association of Mediation, 92
 Federal Association of Mediation in Economic and Working Environment, 92
 Federal Institute of Alternative Dispute Resolution Mechanisms, 98
 Federal Mediation and Conciliation Service, 43, 70, 587
 Federal Trade Commission, 72
 Federated, 78
 Fédération des Médiateurs et Chargés de Mission Libéraux, 91–92
 Fédération National de Centers de Médiation, 92
 Fees and charges, 600–601
 Feliu, A., 74
 Felsteiner, W., 73
 Feste, Karen, 582
 Festinger, L., 548
 Feuille, P., 74
 Fiat decisions, 558–559
 Field, P., 538
 Fietkau, H., 92
 Fiji, 105
 Filley, A., 288, 401
 Final agreements: bargaining formulas for, 441–443; cultural approaches to, 475–476; developing links and trades strategy in, 405, 440, 451; implementing, 477–480; incremental convergence strategies for, 436–439; judicial supervision of, 458; leap-to-agreement strategy for, 443–445; monitoring performance of, 481; provisions for future dispute resolution, 482–483; reaching closure and formalizing, 452–459; recognizing and confirming understandings for, 449–452; resolving impasses for, 445–446; strategies for reaching, 435–436; for Whittamore-Singson case, 474–475. *See also* Closure; Implementing agreements
 Financial mediation, 85, 107
 Finkel, E., 88
 Finland, 90
 Fireman's Fund, 78
 Fisch, R., 355
 Fischer, K., 524
 Fisher, L., 73, 230
 Fisher, R., 8, 56, 209, 272, 284, 295, 335, 353, 374, 392, 393, 401, 405, 428, 430, 435, 444, 455, 489, 512, 520
 Fisher, R.J., 332, 528
 Fisher, T., 408
 Fitzpatrick, D., 86
 Flexible deadlines, 500
 Focus of intervention: defined, 38; mediator orientation in, 43–46;

- multiple issues as, 44–45; process as, 39–40; relationships as, 40, 44; substance as, 40–41
- Focused vs. nonfocused interviews, 250
- Folberg, J., 46, 72, 73, 285, 316
- Folger, J., 48, 49, 50, 332, 335
- Ford, E., 72
- Forgiveness: consequences of actions and, 466–467; defined, 466; promoting, 468–471
- Forkliksrådene*, 91
- Form, W., 245
- Formal bilateral negotiations, 561, 562
- Forum, 585
- Forums: choosing for information exchange, 364–366; meetings for generating options, 409; training program, 577; types of multiparty mediation, 564–567. *See also* Meetings
- Framing: about, 340–342; concessions positively, 438; determining and framing issues for resolution, 204–207; identifying issues for, 342–343; implicit and explicit, 347–348; information in communications, 257–259; by interviewers, 124–125; issues without beliefs or values, 537–538; joint problem statements, 381–383; levels of, 344–345; specific issues, 203; using *whether* or *how*, 545; variables in, 343. *See also* Reframing
- France, 91–92
- Freedman, L., 285, 316
- Freeman, J., 76
- Freire, P., 371
- Freund, J., 56, 107, 366, 408, 497
- Friedman, G., 497
- Friedman, R., 557
- Frost, J., 558
- Funken, K., 84
- Future issues, 528–529, 530–531
- G**
- Gadlin, H., 223
- Galper, M., 407
- Galtung, J., 183
- Garcia, F.O., 68
- Garcia Villegas, H., 68
- Gardner, L., 525
- Garrity, R., 524
- Gehm, J., 73
- Gender: mediating gender-based violence, 522–525; women as mediators, 523–525
- Gendron, R., 67–68
- Gentry, D.B., 72, 588
- Geographical factors, 155–156
- Gerencser, A., 524
- German Lawyers Association, 92
- German Mediation Act, 92
- Germany, 92
- Gernika-Gogoratuz, 586
- Gerzon, M., 9
- Ghana, 83
- Gibson, K., 414, 425
- Ginsberg, R.B., 84
- Girdner, L., 74, 524
- Givin, D., 251
- Gladwell, M., 421
- Go/no-go decision: making, 193, 274–276; using convening reports for, 273–274
- Goals and tasks of mediation, 183
- Goffman, E., 183
- Goh, B.C., 66, 85
- Goh, J.S., 86
- Gold, L., 48
- Goldberg, S., 74, 75
- Goldsmith, J., 74
- Golten, M.M., 73
- Golub, S., 65, 87, 88
- “Good-faith” commitments, 201
- Gordon, T., 261, 532
- Graham, J., 84, 339, 384, 412
- Grand strategies: about, 526; sequences for negotiating temporal differences, 526–527; starting with past issues and relationships, 528
- Grayson, D., 218
- Grebe, S.C., 586
- Greenwood, E., 61, 332
- Greenwood, J., 73
- Grey, B., 76
- Grillo, T., 524
- Group interviews: data collection in joint meetings, 244–245; difficulties with, 244
- Guatemala, 68
- Guetzkow, H., 342

Guidelines: behavioral, 319; developing meeting, 318–321; professional practice, 593–602; recommended for K-12 classrooms, 591; for selecting training programs, 580–582

Guilds as mediators, 68–69

Gulliver, P.H., 7, 67, 81, 352, 414, 435

Gunawardana, M.A., 66, 87

Gunning, I., 74

Gustafson, D., 404

Gut feeling test, 417

H

Haile, C., 285, 316

Hakam, 64

Half-a-loaf disputes, 397

Hall, E., 340

Hall, E.T., 251

Hall, M., 340

Halpin, J., 71

Hamzeh, A., 100

Handbook of Dispute Resolution, The (Moffitt and Bordone), 574

Hardy, S., 103

Harper, E., 57, 67

Harter, P., 76

Hartford, 78

Hartman, A., 454

Haygood, L., 76

Haynes, J., 73, 343, 522, 584

Healing in therapeutic mediation, 48

Hearat, P.B., 66

Hecht, M., 251

Heitler, S., 48

Henderson, M., 466

Henley, N., 251

Henry, J., 76

Herat, P.B., 87

Herman, M., 586

Hessbruegge, J., 68

Hicks, D., 132

Hierarchical decisions, 559

Higgs, S., 76

Hille, C., 67–68

Himmelstein, J., 497

Hinde, R., 251

Histories, relationships, and interactions: in Circle of Conflict, 110; evaluating disputants', 134–135; examples in

Whittamore-Singson dispute, 132–135; questions for reviewing, 135–138; reviewing parties', 130–138; as sources of conflict, 131

Hoffman, L., 401

Hohe, T., 66

Holbrooke, R., 34

Honest broker, 118–119

Hong Kong, 84

Hopt, K., 90, 91

Horizontal constituency, 567, 568

Hosainy, H.M., 103

Hourani, A., 64

Housing, Land and Property Handbook on Design and Implementation of Collaborative Dispute Resolution (Moore), 106

Hungary, 94

Hunter, F., 246

Hunter, L., 335

Hunter, R.G., 466

Hwee, T.H., 66, 324

Hyman, C.S., 78

I

Izumi, T., 85, 86

Impartiality: characteristics of, 35–37; of mediators, 312–313; professional guidelines on, 595

Impasses. *See* Stalemates; Deadlocks

Implementing agreements: about, 477–480; developing steps for, 480–481; factors in, 479–480; in Whittamore-Singson case, 483–484

Implicit and explicit framing, 347–348

“In your shoes” test, 416

Incremental convergence strategies: avoiding loss of face, 439; fear of rejection and impasse, 438; negative transference to, 438; overcoming fear of overconceding, 437; overcoming negative transference, 438; process for making, 436–437; public pressures on negotiators, 438–439; reframing concessions positively, 437–438

Independent Mediation Services of South Africa (IMSSA), 81

Independent mediators, 29, 35–37

India, 65–66, 87–88

- Individual party's settlement range, 414
- Indonesia, 65, 85, 86, 385
- Influence. *See* Power
- Informal Justice Systems, 67
- Informal resolutions, 7
- Information: in Circle of Conflict, 110; collecting, 109–110, 190–193, 237–238; directing exchanges between parties, 512–513; fact finding in conflict analysis, 106–107; presenting and exchanging, 364–367; questions identifying needs and interests, 129–130; revealing issues with, 123–127; as source of conflicts, 141–143. *See also* Data collection; Framing
- Information, Counseling and Legal Assistance (ICLA) Project, 454
- Inkata Freedom Party, 81
- Institut d'Expertise, d'Arbitrage et de Médiation, 91
- Institute for a Democratic Alternative in South Africa (IDASA), 81
- Institute for Dispute Resolution, 70
- Institutional credibility, 223–224
- Instructors in mediation training, 579–580
- Interactions. *See* Histories, relationships, and interactions
- Interest-based negotiations: developing options with, 397–400; handling framing and agendas for, 356; orientation of, 174–175; procedures in, 175–177, 292; shifting positional negotiations to, 293; techniques for win-win options in, 398–399
- Interest-based questions, 264
- Interests. *See* Needs and interests
- Interim Rules, 103
- International Academy of Mediation, 585
- International City Managers' Association, 71
- International Finance Corporation, 76, 99, 483
- Internet Neutral, 79
- Intervention: defined, 23, 185; developing, 296–297; dynamics of, 221–222; early-entry vs. late-entry, 234–236; focus of, 38, 39–41; level of, 38; substantive solutions from, 40–41, 44; target of, 38. *See also* Moves
- Interviewers: analyzing communications, 143–146; analyzing impact of structural sources, 157–158; analyzing variations in relationships, 133–134; approaches, procedures, and strategies for, 146–149; assessing parties' approach to resolution, 148–149; clarifying issues, 126–127; collecting data for conflict analysis, 109–110; detecting genuine vs. unnecessary conflict, 114–115; evaluating power and influence, 149–153, 195; exploring disputants' beliefs, values, and attitudes, 158–163; framing issues, 124–125; identifying emotions in conflict analysis, 138–141; identifying issues, needs, and interests, 122–130; identifying key parties in dispute, 121–122, 245–246; making direct observation and site visits, 242–245; making joint problem-solving statements, 260; noticing nonverbal communications, 251–253; observing parties' power and influence, 152–153, 399–400, 508–510; recording session information, 265–267; reviewing histories, relationships, and interactions, 130–138; using Circle of Conflict, 110–111
- Interviews: developing rapport and credibility in, 248–249; focused vs. nonfocused, 250; framing and reframing data from, 257–259; gathering background information with, 243–245; identifying key parties in disputes, 121–122, 245–246; listening in, 253–256; making joint problem-solving statements, 260; nonverbal communications in, 251–253; questions for data collection, 260–264; recording session information, 265–267; sequencing of, 246–248; setting up initial, 241; structured vs. nonstructured, 250–251; summarizing interviewee's points, 259–260. *See also* Interviewers
- Irani, G., 63, 64
- Ireland, 90

Irving, H., 48, 73, 453–454
 Islam, A., 88
 Islamic traditions, 63–65
 Israel, 101
 Israeli Bar Association, 102
 Isser, D., 57, 58, 67
 Issues: abandoning, 448; alternation of, 352; confirming for resolution, 126–127; defined, 122–123; describing confidentiality of, 316–317; determining information to present and exchange on, 364; developing agenda based on, 196, 201–204; focusing on future issues, 530–531; reframing, 343, 345–347, 349–350; reviewing possible conflict outcomes for, 426; reviewing when designing mediation, 291–292; sharing data on, 269; starting with present, 529–530; summarizing for parties, 203; types of, 123; when to ignore past, 529. *See also* Framing; Past issues
 Italy, 93
 Ivory Coast, 82

J

Jaffe, S., 76
 Jaha, 63, 64
 JAMS, 70, 75
 Janis, I.L., 244
 Japan, 84, 384
 Japan Bank for International Cooperation, 76
 Jennings, M.K., 245
 Jerrard, J., 79
 Jewish mediation traditions, 62
 Jick, T., 184
 Jirgas, 65
 Johnston, J., 48
 Johnston, K., 62, 64
Joint Custody and Co-Parenting (Galper), 407
 Joint problem statements: framing, 381–383; making, 260
 Joint sessions: anticipating possible deadlocks, 295–297; calling private meetings in, 493–497; designing opening talks at, 294–295; designing plans for first, 293–294; framing

communications for, 348–349; monitoring parties' use of power in, 509–510
 Joint settlement range: defined, 414; evaluating, 414–415; examples of, 414–415; exploring potential external constraints on, 424; finding, 421–424; interventions to develop, 423–424; positive and negative, 173; responding to negative, 430–431; reviewing when designing mediation, 291–292; sharing perspectives on positive, 423; unrealistic expectations in, 423–424. *See also* Negative joint settlement range
 Jones, T., 139
 Jordan, 100
 Jose, A., 218
 Joseph, D., 78, 79
 Journals on mediation practices, 574–575
 Justice: compensatory, 442; enforcing written contracts, 456; equitable, 442; *panchayat*, 66, 85, 86, 87; procedural, 441; standards of, 441–443; substantive, 441; subtractive, 442
 Justice systems: court-based mediation programs, 80; judicial supervision of final agreements, 458; mediating in, 73; *panchayat*, 66, 85, 86, 87; resolutions using judicial approach, 11–12; restorative justice and victim-offender mediation, 52–54. *See also* Justice; Laws

K

Kagaha, A., 67
 Kahir, S., 88, 89
 Kahn, S.A., 66
Kampung kuta, 86
Kampung spirit, 85–86
 Karachi Center for Dispute Resolution, 88
 Katsh, E., 79
 Kaufman, S., 101
 Kaufmann-Kohler, G., 79
 Kawamura, K., 65
 Kelly, H., 507
 Kelly, J., 47, 521
 Kelman, H., 332, 472, 528

- Keltner, J., 497
 Kennedy, J., 76, 233
 Kenya, 82
 Kerr, C., 233, 570
 Kheel, Theodore, 217, 506
 Khor, K., 72
 King Pandukabaya, 66
 Klein, D., 261
 Kline, M., 48
 Klugman, J., 71
 Koch, K-E, 68
 Kochan, T., 184
 Koentjaraningrate, 65
 Kofi Annan Foundation, 81
 Kolb, D., 9, 32, 33, 41, 43, 44, 74, 225, 504, 523, 524, 557, 562
Kong chin, 86
 Korea, 84
 Korea Law, 84
 Kornhauser, L., 433
 Kosambi Jataka, 66
 Kramer, N., 74
 Krapp, T., 84
 Kraybill, R., 36
 Kriesberg, L., 532, 552, 558
 Kruk, E., 48
 Kuhner, T., 95
 Kushner, H., 470
 Kwan, K., 68
 Kwartler, R., 221, 222, 228, 522
 Kyung-Han Sohn, 84
- L
- Labor: Argentinian mediation laws on, 95–96; labor management mediation in US and Canada, 70–71; mediating Malaysian laws on, 85
 Labor-Management Relations Act, 70
 Labor Relations, 70
 Lake, L., 76
 Lake, R., 76
 Landry, E., 79
 Landsberger, H., 223
 Landsberger, J.F., 72
 Langbein, L., 76
 Lansford, H., 220, 221, 286
 Latent disputes, 23
 Latin America: mediation conferences in, 586; traditional mediation practices of, 68; world mediation practices of, 95–99
 Laue, J., 76
 Laugh test, 416–417
 Laws: Administrative Dispute Resolution Act, 74; Argentinian mediation, 95–96; Austrian mediation, 93; Brazilian mediation ethics and, 96–97; Civil Rights Act, 71; Columbia mediation ethics and, 97–98; Dispute Resolution Act, 589; mediating Malaysian consumer and labor, 85; Norwegian mediation, 91; promoting German mediation practices, 92; providing structural relationships with, 541–542; regulating Danish mediation, 90; regulating mediator's competency, 588–589; traditional Islamic *sharia*, 64. *See also* Legislation
 Lawyers: designating as negotiation participants, 282–284; disputants right to seek advice of, 311, 312
 Lawyers Engaged in Dispute Resolution (LEADR), 586
 Laz, D., 230
 Leap-to-agreement strategy, 443–445
 Lebanon, 100
 LeBaron, M., 421
 Lederach, J.P., 30, 35, 68, 83, 95, 361, 467, 471, 472, 526
 Lee, J., 66, 324
 Legal contracts: developing written, 455–458; enforcing, 456
 Legislation: approaching resolutions using, 12–13; enforcing commitments, 458–459
 Lemmon, J., 72, 73
 Leonardi, C., 57, 58, 67
 Leone, A., 78
 LeResche, D., 68
 Lesnick, M., 77
 Level of intervention, 39
 Levinson, D., 335
 Levy, J., 72
 Lewicki, R., 74
 Lewis, S., 374, 398
 Li, M.Q., 84
 Li, V., 84
 Liberia, 81, 82, 83
 Lieberman, J., 76

- Lincoln, W.F., 220, 328, 331, 522
 Linden, J., 52
 Lindsay, P., 72
 Links and trades strategies, 405, 440, 451
 Linnea, A., 53, 73
 Little, J., 56
 Littlejohn, S., 48, 532
 Location for mediation: choosing, 287–288; finding, 196; moves for beginning mediation at, 198; physical arrangement of venue, 288–291; private caucus rooms, 290; private meetings, 492–493
 Lodder, A., 79
 Logrolling, 398
 Logsdon, A., 73
 Loomis, C., 245
 Lowry, L., 56
 Luckmann, T., 342
 Lundy, C., 74
 Lynch, J., 483
- M**
- Ma, R., 66
 Macduff, I., 67, 104
 Macedonia, 94
 MacFarlane, J., 83, 283
 Madaripur Legal Aid Association (MLAA), 88–89
 Madu, S., 87
 Maggiolo, W., 70, 489, 494, 495
 Maia, A., 96
 Maier, N., 401
 Maiese, M., 53
 Major causes, 112
Making Amends, 54
 Malaysia, 66, 85
 Malaysian Mediation Center (MMV), 85
 Managing negotiations: appealing to beliefs, values, and morals, 515; coercive influences used by mediators, 516–517; dealing with disputant's doubts, 514–515; directing information exchanges between parties, 512–513; interpreting communications between parties, 511; maintaining authority in negotiations, 513; managing timing, 512; mediator's personality in, 517; modifying physical setting for, 511–512; rewards and benefits provided when, 515–516; strategies for, 511; using external parties, 517–518; working with experts, 518; working with habits of disputants, 513
 Manifest disputes, 24
 Mann, J., 485
 Mansfield, E., 68
 Maori, 66–67, 323
 Marcos, Ferdinand, 87
 Marcus, L., 78
 Mares-Dixon, J., 74
 Margulis, J., 262
 Maryland Casualty, 78
 Masip, J., 251
 Maslow, A., 127
 Matsumoto, M., 421
 Matz, D., 100, 101
 Maxwell, D., 523
 Maxwell, J., 523
 Mayer, B., 46, 73, 75, 94, 95, 342, 344, 345
 Mayer, B.S., 73
 Mayer, L., 524
 Mayor's Office, City of Portland, Oregon, 72
 McCarthy, J., 72–73, 222
 McConnell, J., 66
 McDermott, E.P., 218
 McGinn, K., 523, 524
 McIntyre, D., 74
 McIsaac, H., 73
 McKearnan, S., 574
 McKersie, R., 171, 172, 335, 401, 430, 435
 McKnight, M., 73, 74
 McSurely, A., 557
 McWhinny, R., 286
 Mechanical decision-making procedures, 447
 Media role in mediations, 285–287
 Mediate-Net, 79
 Mediation: about, 19–28; advancing practice of, 601; agreements for potential future disputes, 214–215; announcing option to conclude, 312; associations for, 583–586; beginning, 197–201; collecting background information, 190–193, 237–238; contemporary practices, 69–80;

- defined, 8–9, 20–28; designing preliminary plan for, 193–197; early-entry vs. late-entry intervention, 234–236; ensuring quality of, 598–600; ethics and standards of, 97–98, 586–588; evaluating agreement options, 209–212; framing issues for resolution, 204–207; generating options and problem solving, 207–209; go/no-go decision for, 193, 274–276; goals and tasks of, 183; history of, 61–69; initiating single-party invitations for, 216, 218–219; international practice of, 80–105; labor-management, 70–71; location and venue for, 196, 198, 287–288; making initial contact, 187–190, 216–222; mediator neutrality in, 21–22; moves for mediators, 183–184; payment for, 321–322; presenting parties views and developing agenda, 201–204; private vs. open meetings for, 286–287; process of, 19–28; reaching agreements and closure, 212–214; reasons not to use, 274–276; rejecting offers for, 217–218; ripeness in, 222, 235–236; roadmap to, 186; schools of, 46–59; session stages in, 186, 197; stages in, 182–187; teaching skills in US schools, 72–73; transitioning to opening statements, 336–337; types of disputes for, 23–24; waiver and consent form for, 603–606. *See also* Beginning mediation; Best practices; Data collection
- Mediation Boards (Sri Lanka), 286
- Mediation Council (Romania), 94
- Mediation Network for Northern Ireland, 586
- Mediation Process Roadmap, 186
- Mediation Services Agreement, 603–606
- Mediation teams. *See* Negotiation teams
- Mediation-then-arbitration, 11
- Mediation UK, 585
- Mediators: acceptability of, 20–21; activities of, 185–187; advancing mediation practice, 601; advertising and solicitation by, 600; affirming willingness to meet, 308–309; amount of action and direction by, 38–39, 41–43; anticipating possible deadlocks, 295–297; appointed, 221–222; assessing BATNA, 428–429; authoritative, 29, 31–34, 61; authority in decision making, 22; avoiding conflicts of interest, 596; balancing asymmetrical power relationships, 520–522; body language of, 252; building credibility, 223–227; calling private meetings, 493–497; checking congruence of options, 418–419; clarifying role with participants, 309–311; coaching negotiation team members, 562; coercive influences used by mediators, 516–517; collecting background information, 190–193, 237–238; contingent and noncontingent strategies for, 489–490; coordinating parties' power in negotiations, 508–510; creating tension between competing beliefs, 547–552; describing confidentiality limits, 316–317; detaching parties from unacceptable positions, 389–392; developing tentative offers, 437; different scenarios for, 19–20; educating parties, 204–207, 229–230; enhancing communications, 25; establishing rapport, 227–228; evaluating satisfaction of agreement options, 417–418; fees and other charges by, 600–601; focus of, 43–46; framing issues, 124–125, 203, 204–207; functioning as scapegoat, 439; gaining commitment to mediate, 230–232; generating options, 207–212, 407–408; getting “good-faith” commitments, 201; helping negotiators avoid loss of face, 439; helping others consider options, 388–389, 400, 449–452; helping team spokespersons, 563–564; identifying superordinate beliefs, 552–553; implementing agreements, 480–481; implementing closure, 214; implicit and explicit framing by, 347–348; improving communications, 25; increasing tolerance between parties, 542–544; independent, 29, 35–37; informing parties bottom line reached, 429–430;

- Mediators: (*cont'd*)
- intervention by, 23, 39–41, 185;
 - introducing BATNA to parties, 209, 212, 230; introductions by, 305–307;
 - job of, 8–9; listening in interviews, 253–256; lists of professional, 583;
 - making initial contact with parties, 187–190, 216–222; making procedural agreements, 313–315; managing deadlines, 502–507; manipulating parties in private meetings, 497–498;
 - mitigating effect of leap-to-agreement strategies, 444–445; moves for, 183–184; negotiation procedures used by, 177–178; neutrality of, 21–22, 312–313, 595; personality of, 517;
 - power exerted by, 507–518; preparing parties for opening statements, 202;
 - presenting data to parties, 271–274; preventing future disputes, 214–215;
 - problem solving and negotiation by, 25–27; process as focus of intervention, 39–40; promoting forgiveness, 468–471; qualifications for, 588; reaching agreements and closure, 27–28, 212–214, 459–460;
 - reconciling parties, 468, 471–473; refining expectations in joint settlement range, 423–424; reflection-in-action by, 45; reframing concessions in strength, 437–438; regulating competency of, 588–592; responding to negative joint settlement range, 430–431; responding to parties' opening statements, 327;
 - scope of work by, 24–25; sharing negotiation responsibilities with parties, 400; social network, 28–31; standards of confidentiality, 597–598;
 - substantive solutions from intervention, 40–41, 44; training programs for, 577–579; types of, 28, 29; using external parties to influence disputants, 517–518; using leverage, 390–392;
 - using waiver and consent form, 603–606; variations in role of, 37–38;
 - when to use, 16–17; women as, 523–525; working with lawyers, 283–284; working with negotiation teams, 557–560. *See also* Interviewers; Moves
- Meeks, G., 76
- Meetings: assisting negotiation team, 560;
- data collection in joint, 244–245;
 - exploring issues informally, 567;
 - guidelines for, 318–321; introducing participants at, 198; introducing private, 315–316; logistics of, 318;
 - negotiation teams' participation in, 562–563; private, 315–316, 490–498;
 - sequential small-group negotiations, 566; setting agreements for mediation, 200; small-group-to-large, 566. *See also* Private meetings
- Meitzner, L., 66, 86
- Melamed, J., 74
- Melanesia, 67
- Memorandum of Understanding, 609–610
- “Memorandum on Use of Alternative Dispute Resolution”, 539
- Menkel-Meadow, C., 524
- Menkhaus, K., 83
- Menocal, M.P., 536
- Merchant, C.S., 75, 483
- Mernitz, S., 76
- Mesa de Diálogo, 99
- Mesa de Mediación Orientación (MCO), 98
- Metaphorical reframing, 344, 345
- Metcalf, K., 286
- Mew, S.L., 335
- Mexico, 98
- Middle East: world mediation practices, 99–103
- Miller, W., 67, 81
- Millhauser, M., 76
- Milne, A., 73, 524, 525
- Ministry of Business, Innovation & Employment, 104
- Ministry of Justice (Sri Lanka), 87
- Minow, M., 466, 469
- Mitchell, J., 72
- Mixed-team working groups, 565
- Mnookin, R., 433
- Model agreements, 405
- Model Standards of Conduct for Mediators* (Association for Conflict Resolution), 582, 593–602
- Moffitt, M., 574
- Mom's House, Dad's House* (Ricci), 407

- Mongolia, 84
- Monitoring: agreements in Whittamore-Singson case, 483–484; cultural approaches to, 484–485; future relationships, 482–483; performance of agreements, 481
- Monk, G., 50
- Moore, C.W., 8, 46, 57, 58, 62, 65, 73, 75, 76, 82, 85, 86, 94, 106, 128, 150, 172, 268, 269, 319, 328, 331, 483, 523, 560, 587
- Morals, 515, 531–537
- Moreno, E., 523, 524
- Morril, C., 9, 33
- Mott, P., 245
- Mottiar, S., 81
- Moulton, B., 520
- Mouton, J.S., 74, 332, 335, 472, 530
- Moves: about, 183–184; beginning mediation, 198–201; collecting background information, 190–193, 237–238; contingent and noncontingent, 184–185; evaluating and refining options, 210–212; generating options and problem solving, 207–209; presenting parties views and developing agenda, 202–204; preventing potential future disputes, 215; reaching agreements and closure, 213–214; when designing preliminary plan, 194–197; when making initial contact, 188–190
- Mufakat*, 65
- Muktar*, 63, 64
- Mulcahy, N., 103
- Mullahs*, 65
- Müller-Farhenholz, G., 466
- Multilateral negotiations: defined, 561; facilitating, 562; occurrences of, 555
- Multiparty mediation: conflict analysis for, 108; data collection for, 267–271; decision making hierarchies for, 567–569; educating constituents in, 569–570; forums and formats for, 564–567; instances requiring, 555–556; negotiation teams for, 556–562; planning process for, 278; teams with constituents, 567–570. *See also* Negotiation teams
- Muntarbhorn, V., 85
- Murphy, J., 467
- Murray, J., 100
- Musalaba*, 63, 64
- Muslims*, 63, 64
- Musliks*, 64
- Musyawarah* process, 65, 86
- Mutual education: beginning for parties, 204–207; considering, 294–295; procedures for assisting in, 372–374; teaching participants about mediation process, 229–230

N

- Nader, L., 68
- Nadler, J., 79
- Narrative mediation, 50–52
- Nathan, L., 82
- National Academy of Arbitrators, 583
- National Association for Community Mediation, 585
- National Association of Community Mediators, 72
- National Association of Mediation in Education (NAME), 72, 584
- National Center for Mediation and Dispute Resolution (NCMDR), 101
- National Conference of Commissioners on Uniform State Laws (NCCUSL), 592
- National Conference on Enhancing Access to Justice, 58, 67
- National Conference on Peacemaking and Conflict Resolution (NCPCR), 583–584
- National Council of Mediation and Arbitration Institutions (CONMA), 97
- National Dissemination Center for Children with Disabilities (NAME), 73
- National Forum of Mediation (FONAME), 97
- National Institute for Dispute Resolution, 72
- Nationwide, 78
- Native Indian mediation practices, 67–68

- Needs and interests: accepting and agreeing on, 379–381; avoiding conflicts of interest, 596; bluffing about, 376–377; clarifying, 372–374; cultural approaches to, 383–386; defined, 127–128; equating with specific positions, 369–370; exploring, 370–372; hiding, 369; identifying, 129–130, 368–370, 374–376; lack of awareness of, 368–369; procedural, 128–129; psychological/relational, 129; reframing, 345–347; substantive, 128; types of, 128
- Negative joint settlement range: about, 172, 173; developing response for, 430–431; example of, 415; handling, 422
- Negative transference, 438
- Negotiation Skills Project, 81
- Negotiation teams: building relationships in, 566–567; coaching members of, 562; with constituents, 567–570; data collection by co-mediators, 267–271; defined, 556; dynamics and strategies for, 557–560; exploring options informally, 567; integrating data within, 268–269; selecting and forming, 556–557; sequential small-group negotiations in, 566; sharing data within, 267–268; small-group-to-large meetings for, 566; spokespersons for, 562–564; types of negotiations by, 560–562
- Negotiations: defined, 8, 170; interest-based, 174–177; issues in Whittamore-Singson case, 169; managing process of, 511–518; overview of, 169; positional-based, 171–174; potential outcomes for, 170; public pressure on, 438–439; relationship-based, 170–172; settlement ranges in, 172–173; sidebar, 561, 565–566; transactional, 169–170; types of, 169–170; used by negotiation teams, 560–562. *See also* Managing negotiations; Negotiation teams; Negotiators
- Negotiators: framing joint problem statements about, 381–383; hiding needs and interests, 369; identifying needs and interests, 368–369, 370, 379–381; recognizing acceptable agreements, 449–452
- Neighborhood Justice Centers (NJC), 71–72
- Nelson, M., 72
- Nepal, 87–88
- Netherlands, 92
- Neutrality: characteristics of, 36–37; maintaining in private meetings, 497–498; of mediator, 21–22, 312–313
- New Zealand: Maori mediation traditions, 66–67; mediation associations in, 586; mediation practices in, 103, 104
- New Zealand Ministry of Justice, 67
- Nigeria, 83
- Nixon, R., 66
- No-competition clause, 4–5
- Non-self-executing agreements, 478–479
- Noncontingent strategies, 184–185, 489
- Nonverbal communications: in interviews, 251–253; responding to opening statements with, 337; using, 192
- Nonviolent action, 13–14
- Norman, A., 71
- Northrup, T., 532, 535
- Notton, G., 82
- Norway, 90–91
- Norwegian Refugee Council (NRC), 82, 454
- Nosyreva, E., 95
- O
- Obar, R., 218
- Oceania-Pacific region, 66–67, 103–105
- O’Connell, A., 421
- O’Connell, T., 53, 73
- Office of Natural Resources Revenue, 559
- Office of the Special Project Facilitator, 76
- O’Hare, M., 76, 442
- On-line Resolution, 79
- Online dispute resolution, 79
- Open discussion, 402
- Open-ended questions, 261–262
- Opening statements: about, 326–327; answering questions about, 322; appropriate language in, 348–349; checklist for mediator, 607–608; choosing type of, 335–336; creating climate for, 338–339; cultural

- variations in, 339–340; designing for joint sessions, 294–295; developing options beyond positions in, 388; focusing on substance, 327–330; mediator's, 307–308; oriented toward relationships, 332–335; by parties, 325–326; preparing parties to make, 202; procedurally focused, 330–332; transitioning to, 336–337
- Operational values, 534–535
- Options: agreement-in-principle approach to, 392, 394–395; brainstorming, 403; building-block approach to generating, 354, 392, 393–394; checking congruence of, 418–419; cultural options for developing, 411–412; detaching parties from unacceptable positions, 389–392; developing standards for agreements, 401–402; evaluating and refining, 209–212, 415–417; evaluating satisfaction of agreement options, 417–418; forums for generating, 409; generating, 207–209, 392–395, 401–408; generating options and problem solving, 207–209; helping parties consider multiple, 388–389, 400; interest-based negotiations for developing, 397–400; leveraging, 390–392; links-and-trades, 405, 440, 451; mediator suggestion, 407–408; model agreements, 405; nominal group process, 404; open discussion of, 402; overview, 207–209, 387, 401; package agreements, 406–407; plausible hypothetical scenarios, 404; positional-based negotiations, 395–396; procedural solutions to reach agreements, 406, 426; ratifying status quo, 401; single-text negotiating document, 405–406, 445; suggesting options, 407–408; for understandings, agreements, and outcomes, 164–166; vision building, 404–405; Whittamore-Singson case, 409–411. *See also* Refining options
- Orchestrators: action and direction of, 41–42; author's bias toward, 59–60
- Orenstein, S.G., 73
- Organizations: contributing structural conflicts, 154–155
- Outcomes: assessing BATNA, 428–429; developing between disputants, 164–166; outlining possible, 170, 310–311, 425–427; win-lose, 146–147, 292
- Overview of Peacemaking Circles*, 53
- Owen, D., 34
- ## P
- Packages: creating package agreements, 406–407; links and trades strategies for, 405, 440, 451; trade-offs to develop, 354–355
- Pakistan, 64–65, 87–88
- Palmer, M., 63
- Palomino, G., 68
- Panchayat* justice system, 66, 85, 86, 87
- Papua New Guinea, 104–105
- Parker, K., 218
- Parker, L., 53
- Parties. *See* Disputants; People and parties
- Past issues: going to future after, 528–529; going to present issues after, 528; starting with relationships and, 528; when to ignore, 529
- Patai, R., 64, 100
- Patton, B., 8, 56
- Pe, C., 87
- Pearce, W.B., 532
- Pearson, J., 218, 233, 235, 480, 524
- Peck, C.A., 222
- Pely, D., 63
- Peña, J., 68
- Penghulu*, 86
- People and parties: acknowledging differences between, 542–543; acknowledging past problems, 461, 462; affirming positive changes, 461–463; apologies to, 463–466; arriving at first session, 303–305; assessing BATNA outcome, 428–429; asymmetrical power between, 520–522; avoiding loss of face, 439; checking congruence of options with criteria, 418–419; committing to mediate, 230–232; considering need for multiple options, 388–389; creating

- People and parties: (*cont'd*)
- coalition among, 439; designating who should be in negotiations, 279–287; detaching from unacceptable positions, 389–392, 400; developing rapport and credibility with, 248–249; dividers and connectors for, 119–121; educating, 204–207; establishing negotiation deadlines, 499–500; evaluating power of, 150; evaluating satisfaction of options for, 417–418; experts, 117–119; fear of mediation, 217; fears about incremental convergence strategies, 436–439; finding joint settlement range, 423; gaining approval of intermediary, 199; identifying key, 116–117, 245–246; introducing BATNA to, 209, 212, 230; learning about mediation process, 229–230; legitimization of beliefs and values of other, 543–544; making initial contact with, 187–190, 216–222; making positive introductory communications to, 308, 309, 310; manipulating in private meetings, 497–498; observing power and influence of, 152–153, 399–400, 508–510; opening statements by, 325–326; presenting analyzed data to, 271–274; presenting views of, 201–204; primary parties, 117; procedurally focused opening statements by, 330–332; psychological condition of, 291; rejecting mediation services, 217–218; rejecting offers, 438; reviewing histories, relationships, and interactions of, 130–138; secondary parties, 117; self-determination by, 594–595; sharing data on, 268; sharing negotiations with mediator, 400; symmetrical power relationships between, 518–520; taking ownership of role, 461, 462; third parties, 119; within Circle of Conflict, 110; working with habits of disputants, 513. *See also* Disputants
 - People's Conciliation Committees, 83–84
 - People's Mediation Committees, 286
 - People's Predicament Committee, 84
 - People's Republic of China, 83–84
 - Perez, F.A., 236
 - Performance bonds, 459
 - Perkins, K., 523, 524
 - Perks, R., 573
 - Personal credibility for mediators, 223
 - Peru, 98–99
 - Philippines, 87, 324
 - Phillips, B.A., 75
 - Physical arrangements for venue, 288–291, 303–305
 - Physiological changes, 138
 - Picard, C., 46
 - Picker, B., 56
 - Piekle, R., 117, 119
 - Plausible hypothetical scenarios, 404
 - "Pleasant Feelings" web page, 139
 - Poland, 94
 - Polish Mediation Association for Business, 94
 - Polsby, N., 246
 - Pope, S.G., 49
 - Porter, K., 63
 - Positional approach, 245–246
 - Positional-based negotiations:
 - characteristics of, 171–172; developing options with, 395–396; limitations of, 396; preparing for, 292–293; working with, 173–174
 - Positions: bluffing, 376–377; equating needs and interests with, 369–370; fear of revealing bargaining, 437; leverage to shift, 390–392; procedural means to reduce commitment to, 390; psychological means to reduce commitment to, 389–390; rationalizations of, 377–378; reframing, 345–347; why mediators can shift, 400; why parties adhere to, 389, 400
 - Postponement, 447–448
 - Pou, C., 76
 - Power: abilities associated with, 151; assessing in Circle of Conflict, 110; asymmetrical relationships of, 520–522; balance between parties, 518; defined, 149–150, 507; evaluating personal, 150; exerted by mediators, 507–518; observing parties', 152–153,

- 195; preventing parties' exercises of, 400; sharing data on, 269; structural sources of, 150; symmetrical forms of, 518–520
- Praetorian* settlements, 93
- Pranis, K., 53
- Present issues, 528, 529–530
- Presenting and exchanging information: choosing forum for, 364–366; determining needs for, 363, 364; presenting problems, 123; structuring effective ways for, 366–367. *See also* Information
- Pressfield, S., 65
- Preventions: defined, 184–185; developing, 296. *See also* Moves
- Pride test, 416, 420
- Primary data sources, 242–243
- Primary Dispute Resolution Center (PDRC), 86
- Primary parties: defined, 117; gaining commitments from, 230–232; identifying key disputants, 121–122, 245–246
- Princen, T., 34
- Principled agendas, 353
- Private meetings: defined, 490; defining use of, 315–316; discussing disruptions in, 337–338; duration of, 494–495; factors requiring, 490–492; locations and venues for, 492–493; manipulating parties in, 497–498; multiparty caucuses, 565; open meetings vs., 286–287; open vs. 286–287; private caucus rooms for, 290; protocol for calling, 493–497; resolving bluffs and positions in, 378–379; sidebar negotiations, 565–566; timing of, 492
- Problem solving: explaining stages in, 315; mediators' procedures for, 25–27; negotiation assistance by mediators for, 26–27; using leverage to shift positions, 390–392. *See also* Options
- Procedural closure, 459–460
- Procedural credibility, 224–225
- Procedural justice, 441
- Procedural means: integrating strategies using, 448–449; mechanical decision-making procedures, 447; postponement, avoidance, and issue abandonment as, 447–448; procedural-time-line approach, 446; reaching substantive agreements with, 445–449; reducing commitment to positions with, 390; using third-party decision makers to break impasses, 446
- Procedural needs and interests, 128–129, 130
- Procedural-time-line approach, 446
- Procedurally focused opening statements, 330–332
- Procedures: in Circle of Conflict, 110; in interest-based negotiations, 292; for interviewers, 146–149; making procedural agreements, 313–315; mechanical decision making, 447; planning for negotiation, 292–293; problem-solving, 25–27; used in negotiations, 177–178. *See also* Procedural Means
- Processed-focused schools of mediation, 46–47
- Professional mediation practices. *See* Best practices
- Promise of Mediation, The* (Bush and Folger), 48–49
- Pruitt, D., 374, 398, 546
- Psychological closure: about, 460–461; acknowledgments in, 461, 462; affirming positive changes, 461–463; apologies in, 463–466; forgiveness and reconciliation in, 466–473; means for promoting, 461–466; taking ownership of role, 461, 462
- Psychology: psychological/relational needs and interests, 129; reducing commitment to positions with, 389–390. *See also* Psychological closure
- Public Council on Alternative Dispute Resolution Methods and Measures for Disputes and Litigation, 94
- Public policy mediation, 77–78
- Pure conflicts, 552
- Pye, L., 412

Q

- Quadi*, 64
- Qualifications for mediators, 588

Quayle, D., 78

Questions: assessing dividers and connectors, 166–167; assessing parties' approach to resolution, 148–149; closed, 261, 263; for data-related conflicts, 142–143; defining parties in conflict, 121–122; for designing mediation plans, 278–279; identifying needs and interests, 129–130; for refining options, 431–432; reviewing histories, relationships, and interactions, 135–138; uncovering beliefs and values, 162–163

Quince, K., 67

R

Rapport: building in interviews, 243; developing in data collection interviews, 248–249; establishing with disputants, 227–228

Ratification of status quo, 401

Ray, L., 72

Reasonable person test, 416, 420

Recommended Guidelines for Effective Conflict Resolution Education Programs in K-12 Classrooms, Schools, and School Districts (ACR), 591

Reconciliation: defined, 467; mediators' role in promoting, 468, 471–473

Reeves, J., 73, 78

Refining options: benefits of reaching agreements, 427–429; checking options against criteria, 418–419; cultural approaches for, 423–434; developing assessment criteria for, 415–417; evaluating satisfaction of parties, 417–418; evaluating settlement ranges, 414–415; exploring potential external constraints, 424; feasibility of implementing options, 420; finding positive joint settlement range, 421–424; informing parties of bottom line, 429–430; interventions to find joint settlement range, 423–424; overview, 413–414; questions for, 431–432; responding to negative joint settlement range, 430–431; reviewing possible conflict outcomes, 310–311, 425–427; strength of agreements, 419;

using intuitions and feelings to evaluate options, 421; using “reasonable person test” or “pride test” for, 420; in Whittamore-Singson case, 432–433

Reflection-in-action, 45

Reflective listening, 254

Reframing: apologies, 465–466; finding positive meanings for, 344; influence strategies, 510; issues, 343, 345–347, 349–350; meeting guideline suggestions, 321; variables in, 343

“Reg-neg” webpage, 76

Regulatory negotiations (reg negs), 76–77

Rejections: of apologies, 464–466; of mediation offers, 217–218; overcoming fear of, 438; refusing offers based on negative transference, 438

Relational/psychologically oriented needs and interests, 130

Relationship-focused mediation: negotiations in, 170–172; opening statements for, 332–335; overview, 47; schools of, 47–54; therapeutic mediation, 47–48

Relationships: analyzing variations in, 133–134; building negotiation team, 566–567; changing parties', 539–542; dignity violations in, 132–133; disclosing potential mediator biases, 313; effect in Whittamore-Singson dispute, 132–135; as focus of intervention, 40, 44; focusing narrative mediation on, 50; forgiveness and reconciliation in, 466–468; monitoring and resolving future disputes, 482–483; scope of mediator's work in, 24–25; sharing data on, 268–269; ways of handling disagreements in, 7. *See also* Histories, relationships, and interactions; Relationship-focused mediation

Religiously-based mediation, 57–59, 61–69

Renouf, E., 103

Reputation/status/position-based mediators, 29, 32–33

Resistance to mediation, 217–218, 231

Resolutions: administrative approaches to, 9–10; approaches and outcomes to,

- 146–148; continuum of possible, 5–6; determining and framing issues for, 204–207; extralegal approaches to, 13–14; informal approaches for, 7; judicial approach to, 11–12; legislative approach to, 12–13
- Resources: option-generation procedures using outside, 407; as structural sources of conflict, 155
- Restorative justice, 52–54
- Restorative Justice Online, 53, 332
- Reynolds, W., 73
- Ricci, I., 133, 275, 343, 407
- Richardson, J., 262
- Richardson, S., 261
- Rifkin, J., 79
- Rigid deadlines, 500
- Riley, H., 95
- Rimelspach, R., 524
- Ripeness, 222, 235–236
- Riskin, L., 44, 46, 55, 56, 283
- Rituals of closure, 473–474, 476
- Rizzo, R., 62, 64
- Roberts, K., 63, 74
- Roberts, S., 22, 81, 433
- Robson, D., 103
- Rochl, J., 72, 217–218, 221, 453, 480
- Romania, 94
- Root problems, 123
- Rosen, B., 256
- Ross, H., 103
- Roster of Environmental Conflict Resolution Practitioners, 583
- Rothman, J., 71, 127, 332, 472, 528
- Rowe, M., 74
- Royal, 78
- Rubin, J., 23, 32, 34, 101, 220, 234, 348, 400, 437, 518, 523, 558
- Rule, C., 79
- Russia, 94, 95
- Ryan, J., 68
- S
- Sadat, Anwar, 437–438
- Salacuse, J., 456
- Salem, P., 64, 100, 524, 525
- Sanderson, D., 76, 442
- Sandstrom, A., 68
- Sandy, S., 72
- Sano, Y., 84, 339, 384, 412
- Santosa, A., 65, 85, 86
- Saposnek, D.T., 44, 73, 374
- Saskatchewan Mediation Service, 72
- Saunders, H., 528, 541
- Savage, C.A., 582
- Sawyer, J., 342
- Schärf, E., 67
- Schechter, J., 412
- Schein, E., 230
- Schelling, T., 479
- Schermerhorn, R., 335
- Schmidt, P., 73
- Schmitz, S., 72
- Schön, D., 45
- Schools of mediation, 46–59; about, 46; narrative mediation, 50–52; processed-focused, 46–47; relationship-focused, 47–54; restorative justice and victim-offender mediation, 52–54; substantively focused, 54–59; transformative mediation, 48–50. *See also specific schools*
- Schreiber, F.B., 290
- Schultz, T., 79
- Schwartz, A., 65
- Schwartzman, O., 100, 101
- Sebenius, J., 95, 230
- Secondary data sources, 242–243
- Secondary parties: defined, 117; designating as negotiation participants, 282; questions to ask, 122; referral of mediators by, 220–221
- Segal, L., 355
- Segal, P., 74
- Self-definition beliefs, 532–533
- Self-determination by parties, 594–595
- Self-executing agreements, 478, 479
- Seligman, S., 412
- Senge, P., 421
- Senger, J., 339
- Sequential small-group negotiations, 566
- Sessions: considering joint, 291; introducing first, 305–307; recording information in, 265–267; stages in, 186, 197; welcoming parties to, 303–305. *See also* Beginning mediation
- Settlement Documentation Form, 609–610
- Settlements. *See* Joint settlement range; Negative joint settlement range

- Shalish*, 65, 88
 Shanahan, J., 77
 Shapiro, E., 217, 500, 506, 570
Sharaf, 64
 Sharon, N., 100, 101
 Sharp, W.R., 72
 Shaughnessy, E., 90
 Shaw, M., 73
 Shell, G., 8
 Shepard, D., 72, 217–218, 221, 453, 480
 Sheppard, B., 9, 32, 33
 Sherif, M., 552
 Shmucki, D., 101
Shokai-sha, 84
 Shonholtz, R., 72, 94, 286
 Shook, V., 68
 Shourie, H., 87
 Shresta, K., 88
Shuras, 65
 Sidebar negotiations, 561, 565–566
 Sidwell, J., 72
 Sierra Leone, 81
 Silverstein, E., 256
 Simkin, W., 70, 233, 575
 Simmel, G., 494
 Simon, D., 49
 Simple agendas, 352
 Singapore, 85–86
 Singapore Mediation Centre (SMC), 86
 Single-party invitations, 216, 218–219
 Single-text negotiating document, 405–406, 445
 Sistrunk, F., 400
 Skratek, S., 74
 Slaiku, K., 75, 78, 483
 Slatts, 65
 Slovakia, 94–95
 Small Claims Mediation Service, 89
 Small-group-to-large meetings, 566
 Smart, L., 489
 Smerdon, E., 76
 Smith, M., 71, 72, 332
 Smith, M.K., 45
 Smith, R., 182
 Smith, R.F., 412
 Smith, W., 34, 524
 Smolover, D., 72
 Social Council for Alternative Dispute and Conflict Resolution, 586
 Social network mediators, 28–31
Social Psychology of Bargaining and Negotiation (Rubin and Brown), 523
 Society of Professionals in Dispute Resolution (SPIDR), 73, 576–579, 583, 584, 585, 587, 588, 589–591
 Solicitation by mediators, 600
 Somalia, 83
 Sordo, B., 80, 103
 South Africa, 81–82
 South African Association for Conflict Intervention, 586
 South America, 68
 Spenser, D., 103
 Spheres of interest, 545–546
 Spokespersons for teams, 562–564
 Squaretrade, 79
 Sri Lanka, 65, 66, 87, 221
 St. Paul Fire and Marine, 78
 Stalemates: defined, 427; overcoming fear of, 438; resolving substantive impasses, 445–446; using third-party decision makers to break, 446
 Stamato, L., 76, 523
 Standards: Brazilian mediator, 97; developing for agreements, 401–402; developing for mediation practice, 586–592; justice, 441–443; Model Standards of Conduct for Mediators, 593–602
 State Farm, 78
 Statements. *See* Joint problem statements; Opening statements
 Steffek, F., 90, 91
 Stempel, J., 44, 46
 Stevens, C., 376, 377, 396, 497, 499, 568, 570
 Stevenson, E., 103
 Stewart, C., 243, 260, 262
 Stief, E., 46
 Stockholm Chamber of Commerce, 91
 Stopping the clock, 504
 Storie, F., 262
 Storytelling in mediation, 360
 Straight face, 416–417
 Straus, D., 184, 284, 456, 481, 560, 569
 Structural factors: analyzing impact of, 157–158; in Circle of Conflict, 110; contributing to conflict and collaboration, 153–158; of power,

- 150; resources as, 155; time as, 156–157
- Structured vs. nonstructured interviews, 250–251
- Stuckless, N., 73–74
- Stuhlmacher, A., 524
- Stulberg, J., 28, 42, 46, 290, 307, 308, 342, 349
- Substantive credibility, 225
- Substantive justice, 441
- Substantive needs and interests, 128, 129–130
- Substantive solutions from intervention, 40–41, 44
- Substantively focused mediation: about, 54; advisory mediation, 55; customary or religiously-based mediation, 57–59; evaluative mediation, 56–57; opening statements in, 328–330
- Subtractive justice, 442
- Sulha*, 63, 64
- Sullivan, T., 76
- Survey Research Center, 248
- Susskind, L., 44, 72, 74, 76, 456, 481, 538, 569, 574
- Sweden, 91
- Symmetrical power relationships, 518–520
- Syukur, F.A., 86
- T**
- Tadiar, A., 87
- Taizi, S., 65
- Talbot, A., 76
- Tamata, T., 88
- Target of intervention, 38
- Taylor, A., 46, 72, 73, 285, 316
- Technical working groups, 565
- Temporal orientation. *See* Time periods; Timing
- Terminal beliefs, 533–534
- Testing: links and trades strategies, 405, 440, 451; tentative agreements, 451
- Thai Mediation Center, 85
- Thailand, 85
- Therapeutic mediation, 47–48
- Thibaut, J., 507
- Third parties: about, 119; acceptability of, 20–21; breaking stalemates with, 446; defined, 20; influencing disputants, 517–518; questions to ask, 122; referring value conflicts to, 553–554; variations in mediation by, 37–38
- Third-party advocacy, 34
- Thoennes, N., 524
- Thomas-Lerner, J., 574
- Thompson, L., 8, 414
- Thorson, S., 532
- Tichane, M., 218
- Time lines, 446
- Time periods: beginning with present issues, 529–530; handling future issues first, 530–531; past, present, and future, 526; skipping to future after past issues, 528–529; starting with past issues, 528; switching temporal orientation, 531; when to ignore past issues, 529; working on present issues after past issues, 528
- Timing: allowing more flexibility in negotiation, 504–505; developing time lines, 446; importance of in negotiations, 498–502; managing for negotiations, 512; private meetings, 492; as structural factor, 146–157; using delaying tactics for better negotiations, 506; in Whittamore-Singson dispute, 156–157. *See also* Deadlines; Time periods
- Titles of participants, 306
- Tolerance, 542–544
- Tomain, J., 76
- Tone of written agreements, 457–458
- Tonry, M., 73
- Trade-offs: creating tension between competing beliefs, 547–552; developing packages from, 354–355; for lost values or beliefs, 546–547
- Training programs, 575–582; content for, 577–579; criteria for trainees in, 575–577; forums and formats for, 577; key issues for mediation, 575; selecting, 580–582; trainer and instructor qualifications for, 579–580; university courses, 582–583
- Transactional negotiations, 169–170
- Transformative mediation, 48–50, 51–52
- Trial balloons, 451

Triangle of Satisfaction, 128
 Trust, 400
 Tubiana, J., 58, 67
 Tunisia, 100–101
 Turkey, 102
 Tutu, D., 466

U

Ubink, J., 62
 Udovic, F., 48
 Uganda, 82
 Ukraine, 94
 Umbreit, M., 52, 53, 72, 73, 332, 466
 Umut Foundation, 586
UN Guiding Principles on Business and Human Rights, 483
 Uncoordinated deadlines, 500
 Understandings between disputants, 164–166, 209–212, 449–452
 UNHCR, 103
 Uniform Mediation Act (UMA), 592
 United Kingdom, 89–90
 United Nations: UNHCR, 102, 103; UNICEF, 66; United Nations Development Programme, 62; vested interest mediators from U.S., 34
 United States: Air Force Academy, 289; Army Corps of Engineers, 74, 459; Bureau of Reclamation, 74, 273; Civil Rights Act, 71; Corps of Engineers, 74, 75, 459; Department of Interior, 273; Department of Justice, 52, 53, 54, 332; development of ethical standards in, 587–588; Environmental Protection Agency, 77, 276; federal agency mediation in, 74, 76–77; health care industry, 78–79; labor-management mediation in, 70–71; managing interpersonal disputes in, 72–74; media's role in mediation in, 285–286; mediation in colonial era, 69; mediation organizations in, 583–585; Native Indian mediation practices, 67–68; online dispute resolution, 79; public policy mediation, 77–78; US Conciliation Service, 70; USAID supporting dispute resolution in Peru, 99
 University certificate programs, 582–583

Urf, 64
 Ury, W., 8, 56, 57, 67, 74, 75, 209, 230, 272, 353, 374, 392, 401, 405, 428, 482, 507
 US Institute for Environmental Conflict Resolution, 583
 USAID, 86, 99
Utenrettslig Mekling, 91
 Uwazic, E., 83
 Uzun, A., 102

V

Vague deadlines, 501–502
 Valchev, R., 95
 Valtin, R., 74
 Value-based conflicts, 356–359
 Values: actualizing beliefs and, 544–545; appealing to disputants', 515; changing relationships vs., 539–542; in Circle of Conflict, 110; clarifying divergent, 544; compensation for lost, 546–547; conflicts involving beliefs and, 535; creating tension between competing, 547–552; defined, 159; identifying superordinate, 552–553; increasing tolerance for diverse, 542–544; mediating disputes over strong, 531–537; negotiating peripheral elements rather than, 538–539; operational, 534–535; questions uncovering, 162–163; referring to third-party decision maker, 553–554; reframing issues without, 537–538; responding to differences in, 536–537; spheres of interest in conflicts of, 545–546; terminal beliefs and, 533–534; valuing differences in, 537–544
 Van de Merwe, H. V., 539
 Van Hook, M.P., 72
 Van Jaarsvelt, S., 81
 Van Rooij, B., 62
 Vandeven, A., 404
 Venues: arrival of parties at, 303–305; changing, 511–512; private meeting, 492–493. *See also* Private meetings
 Verifying data, 269–271
 Vertical constituency, 567–568
 Vested-interest mediators, 29, 34

- Vested-interest negotiations, 561
 Victim-offender mediation, 53–54
 Victim Offender Mediation Association, 585
 Viessman, W., 76
 Vision building, 404–405
 Vogl, S.M., 72
 Volpe, M.R., 72
 Voluntary compliance, 453–460
 Voluntary participation: about, 27–28; informing parties of, 311–312, 607
 Von Benda-Beckmann, K., 65
 Vorenberg, E.W., 73
 Votchal, V., 94
 Votes by negotiation teams, 560
 Vuleka Trust, 81
- W
- Wade, J., 230, 408
 Wahrhaftig, P., 72
 Waiver and consent forms, 317, 603–606
 Wajir Peace Fellowship, 82
 Waldman, E., 56
 Wall, J., 66, 84, 489, 521, 522
 Walters, A., 524
 Walton, J., 246
 Walton, R., 171, 172, 332, 401, 430, 435
 Wardak, A., 65
 Warren, C., 397
 Watkins, M., 32
 Watzlawick, P., 342, 343
 Wausau, 78
 Weakland, J., 355
 Weidner, H., 92
 Weingarten, H., 523
 Werner, L., 69
 West Africa, 81
 Westin, A., 74
What is Narrative Mediation, 51
 Wheeler, M., 36, 76
 Whitehall, J., 72
 Whittamore-Singson case study: beliefs, values, and attitudes influencing, 159; connectors and dividers in, 167–168; developing options for, 409–411; dividers and connectors in, 112–113; framing and reframing topics in, 350–351; identifying parties in, 117; implementing and monitoring agreements in, 483–484; initiating mediation in, 219; interest-based negotiations for, 176–177; issues in, 3–5, 7, 10, 12, 169; Memorandum of Understanding for, 609–610; negotiation approaches for, 15–16; opening statements in, 334, 336–337; positional-oriented negotiations for, 174; reaching agreements and closure in, 474–475; refining options in, 432–433; relationships and histories in, 132–135; structural conflict in, 154; time and timing in, 156–157
 Wildau, S., 73, 75, 76, 94, 95, 341, 483
 Wilgespruit Fellowship, 81
 Williams, G., 283
 Williams, J., 523
 Williams, L., 73
 Wilmot, W., 558
 Wilson, I., 67
 Win-lose outcomes, 146–147, 292
 Win-win approaches: collaboration and, 146, 147, 148; interest-based negotiations using, 398–399
 Winshan, J., 66
 Winslade, J., 50
 Winters, K., 32
 Wisata, 63
 Wissler, R., 80
 Witherspoon, R., 72
 Witnesses, 282
 Wixted, S., 73
 Wojkowska, E., 57, 62
 Women as mediators, 523–525
 Woodrow, P., 8, 34, 75, 150, 483, 523
 Working groups: mixed-team, 240, 565; sidebar negotiations among, 561; tasks best accomplished by, 564–565; technical, 565
 World Intellectual Property Organization Mediation and Arbitration, 79
 World mediation practices: about, 80; Africa, 80–83; among Mongolian communities, 84; Asia, 65–66, 83–89; Europe, 63, 89–95; historically used in Buddhist countries, 65–66; Indonesian decision making, 65; international certificate programs, 582–583; Latin America, 68, 95–99, 586; Mexico, Central and South America, 68;

World mediation practices: (*cont'd*)

- Middle East, 99–103; Native Indian practices, 67–68; Nepalese mediation, 88; North America, 69–80, 583–585; Oceania-Pacific region, 103–105; traditions of Oceania-Pacific region, 66–67; tribal Islamic dispute resolution, 63–65. *See also specific countries and regions*
- World view, 533
- Written agreements, 451–452, 455–458

Y

- Yang, J., 84
- Yarn, D., 21, 107, 574
- Young, O., 36, 327, 346, 438, 478, 497

Z

- Zaidel, S., 101
- Zartman, I.W., 392, 435, 441, 442, 443
- Ziegenfuss, J., 75
- Zion, J., 68