

An appropriate opening statement can be a valuable tool for working to a positive end result.

PURPOSE: The purpose of an Opening Statement:

- Should be devoted to demonstrating an attitude of wanting to reach a resolution of the dispute(s) at hand.
- Must contribute to the mediation process.
 - Anything that escalates the tensions between the parties or heightens the temperature in the room is not a desirable tool for mediation and is not a valid purpose.

DEFINITION: An Opening Statement:

- Is a summary of information (issues, concerns, chronology and resolution sought)
 - so that the issues and facts have a clearer focus,
 - and the mediator and the parties can begin negotiating around the interests of both parties.
- Should contain information that
 - adds to the other parties basis of information,
 - clarifies issues or facts in the case
 - or makes your position clearer to the mediator and other parties.
- Should be
 - a brief summary of what happened, who was involved, and why you feel treated unfairly.
 - clear, calm, factual, and non-accusatory.
- Is appropriate
 - if it will help focus the parties on the issues to be addressed at the mediation
 - and provide additional information useful to moving the parties closer to a mutually beneficial result.
- Expresses
 - your commitment to mediate in good faith
 - and your sincere desire to use the Mediation process to come to a mutually beneficial agreement.

GUIDELINES:

- Use an educational and informational tone to create a safe and productive environment.
- Use neutral, positive language with “I” statements.
 - Contemplate how your opening statement may be received by the other party.
 - Language that is adversarial may create hostility or divisiveness and does not contribute to the process.
- Use a high level diplomatic approach.
 - Your commitment to a high level of professionalism and willingness to explore settlement options will increase the chance of a mutually acceptable agreement.
- Emotions are a normal aspect of our humanity.
 - Each party should feel safe to express emotions as they arise.
 - Keep in mind that mediation can be inhibited if intense anger and bitterness (despite its presence) is expressed.