

Making the Most Out of Caucus

By using caucus effectively, mediators can greatly increase the likelihood of the parties reaching an agreement during the mediation. Quite often, what occurs in caucus creates a turning point in the mediation. Use this checklist and the prompts to make your caucus as purposeful as possible:

✓ **Parties elaborate on their story.**

Parties frequently want some time alone with the mediators to provide them with more information than they are willing to divulge in open session, and sometimes they just want to vent. Here are some questions that will provide openings for the parties to provide you with more information.

- How is the mediation session going for you so far?
- What did it take for you to be here today?
- Is there additional information that you think we should know?
- What is going on for you right now?
- How did you feel when...?

✓ **Mediators build rapport and trust.**

Take this opportunity to relax your neutrality stance. During caucus, mediators can demonstrate deeper empathy than in open session. Make sure the person knows that you understand their point of view, their feelings and their interests. By remaining calm, empathetic, patient and curious, you introduce these elements into the mediation session and invite the parties to do the same.

- What price have you paid for this conflict? How has it affected you?
- What do you most want the other person to understand about you?
- What is most important to you? How does it meet your needs?
- Use your reflecting and reframing tools!

✓ **Encourage the person to acknowledge the other parties' interests.**

It can be difficult for a party to acknowledge the other person's perspectives, needs or concerns in open session without it feeling like a concession. Caucus is the perfect chance to invite the person to verbalize what they are hearing from the other person.

- What did you hear the other person say they needed out of this situation?
- What do you think the other person would like to see happen?
- If you were in their shoes, what would you want to see happen?
- What could you say to the other person to acknowledge that you understand what is important to them?

✓ **Mediators secure potential concessions and agreements.**

- What are you willing to offer? How will it meet the other person's needs?

- What are you willing to do to address the other person's concerns? What would you need from the other person?
- What would it take to move beyond this conflict?
- What solutions can you think of that would address your interest and the other person's interest? (*special note: rather than using the word "interest," name the interest as you have heard it. Avoid using "mediator jargon"*)
- What other approaches are there? Would you be willing to consider other approaches?

✓ **Mediators ask tough reality-testing questions.**

Caucus is the time for mediators to give the parties a nudge toward settlement. You may ask tough questions or point out any concerns you have in their thinking. Before asking reality testing questions, be sure you have established your credibility and built some rapport with the party.

- Do you think the other person will accept that proposal?
- What are the potential consequences of not settling?
- I'm concerned that the other person might not see that offer as addressing their (interest in...). How do you think they might react to this suggestion?
- What is the likelihood of that option working over time?
- If you were in their shoes, how would you react to an offer like that?
- What role have you played in the conflict? Either through action or inaction.
- What value will there be for you if this dispute is settled?

✓ **Mediators pose questions for homework.**

When you are meeting with one person, the other person has some time for reflection. This time can be invaluable for the parties, provided the mediator has initiated a thinking process that will keep the momentum going.

- If this situation were to be resolved, what would be different?
- Think of one thing you like or respect about the other person.
- Think about what you would like to see in the future. Come back with some concrete ideas.
- Think about something you have learned from this situation. Come back with one idea about what you might do differently in the future.

✓ **Mediators help the parties to word questions, concessions and requests.**

There is nothing worse than returning from caucus, triumphant with the progress you have made, only to have it sabotaged by a poorly worded question or proposal. Help the parties clearly define what they want to say when they come back from caucus. It is often helpful to have them take notes to remind themselves about what they want to say and how they want to say it.