

Online Mediator Resources

Assignment: Mediation Case Study

Assignment: Mediation Case Study

Assignment 3

Case Study

The AD Agency and The Intern Case

LBS 3468

Group Members:

Group Leader: Ashley Lowe

Mediator: Ashley Lowe

Co-mediator: Liliam Perez

Disputant 1: Alondra Meza

Disputant 2: Patricia Soriano

PART 1: AGREEMENT TO MEDIATE & OPENING STATEMENT

AGREEMENT TO MEDIATE

Write an agreement to mediate. Provide a completed and “realistic version of this agreement—research possible versions on the internet.

AGREEMENT TO MEDIATE

This agreement was submitted by Patricia and Alondra, who agreed to participate in a voluntary mediation conducted by Ashley to help come to a resolutions regarding an internship evaluation.

It is understood that mediation is a voluntary process, and either party can withdraw at anytime.

The mediators only role is to assist with aiding towards a resolution. The mediator is not to advocate for either party involved. The mediator is only their to help guide an unbiased, respectful communication for both parties. The mediator cannot take place as a judge or an attorney for either party.

All discussion during the mediation is confidential and to not be discussed outside of the mediation, unless required by law. The mediation should not be discussed by any party outside of the mediation unless on an agreeable basis. The mediator will not be assigned to testify or provide any evidence or documentation for any legal or academia needs or proceedings.

Any party involved agrees to be respectful, confidential, and willing to listen to understand to conclude a resolution.

All parties agrees they have choices when it comes to making any decisions on any agreement. Long as both parties are willing to come to a mutual understand and resolution at the end of the mediation.

Party A: Patricia Soriano

Party B: Alondra Meza

Mediator: Ashley Lowe

Co-Mediator: Liliam Perez

OPENING STATEMENT

Write an opening statement with all the key components the group's co/mediator will use during the mediation session.

[Read Chapter 6, The Mediator's Opening Statement, before completing this section.](#)

Write a Mediator Opening statement:

Write a version of the mediator's introductory monologue that covers the required elements, incorporating the field vocabulary into your vocabulary. Be sure to label each component of the open statement clearly. Review "Mediator Opening Statement ".Please note other tools and outlines are available in the textbook (p. 95- 97) and online. Mediation is a confidential ([Florida Rule 10.360](#)) and balanced process. **NOTE:** When conducting and recording your mediation session role-play online via Zoom or another virtual platform, you must consider the "online mediation" resources in the module and include them in your ground rules.

Good morning/afternoon, and thank you both for being here today my name is Ashley, and I'll be serving as your mediator. I'm not here to take sides or make decisions for you, but help guide a conversation so both of you can be heard and hopefully reach a resolution that works for everyone involved.

Everything shared in this room will remain confidential unless you both agree otherwise, unless there is something that must be reported by law. This ensures a safe process, my role is to be sure that everyone is able to talk through the issues respectfully and constructively. I ask that we all allow each other to speak without interruption, and that we listen with the intention of understanding, even if we don't always agree.

Before we began, do any of you have any questions about the process, confidentiality, or the ground rules?

With that being said, I will like to invite you both briefly to discuss what bring you here today and what you hope to achieve through this mediation?

PART 2: STORYTELLING PHASE

STORYTELLING

[Read Chapter 7, Storytelling and Issue Identification, before completing this section.](#)

After presenting your opening statement as a mediator, you are ready to listen to the parties' stories and identify the key issues in your case. Remember that note-taking is more than simply jotting down information; it requires the mediator's listening skills to connect, organize, and analyze the elements shared by the parties. For this assignment, you will read and evaluate the **written case and the group role-play critically**. Review the "note-taking for mediators" section in your textbook. Keep in mind your role and responsibilities as a mediator; refer to [Florida Rules: 10.220, 10.230, 10.300, and 10.310 regarding the Mediator's Role and Responsibility to the Parties](#).

Answer Questions:

1. What substantive, procedural, and psychological issues were addressed during the mediation? Explain

There were a few substantive, procedural, and psychological issues within the mediation that were noticed. The intern was definitely affected by the grading system reflecting a drop in their performance. After changes within the company and the lack of training the intern was never given feedback. Due to the lack of feedback and what is expected grading wise for the intern caused a shift within the work environment for both the intern and the supervisor. The supervisor never opened up to discuss the drastic change in the interns work performance based on someone else's evaluation and the intern never felt the need to speak up due to trust and uncertainty. Neither party felt to speak one on one in regards to grading or changes. Which caused a drift.

2. Discuss the technique(s) you used during the mediation session and why you used them (*See Chapter 7*).

The techniques used during the mediation was active listening, being able to listen to understand how both parties felt and getting their perspective on the entirety of the issue at hand is important. Reframing from asking questions in a blaming tone and asking more “how you feel” questions so that both parties felt heard and seen and willing to discuss. Asking questions focused on their interest to have a clear understanding of the best resolution. Being able to ask questions based on the detail provided by both parties to have clarity on the resolution that best benefits them both. One thing that I liked was being able to ask them the same question in slightly different ways to have an idea of their perspective and seeing if they align.

3. Using the notetaking form below, identify the parties’ possible interests, rights, power, and commonalities. (Before completing the notetaking form, please revisit *Notetaking for Mediators* – chapter 6, p.106 and review *Figure 6.2 Sample Notetaking Form*).

Notetaking Form

Analysis	Party A: Patricia	Party B: Alondria
Interests: The needs that underlie issues Identify at least two possible interests for each party.	1. Keep a prosperous/successful relationship with the university to continue receiving interns. 2. Protect the reputation of the company during the high-stress growth era.	1. Get a proper and fair evaluation that shows the performance done during the internship. 2. Receive a good grade and letter of recommendation to be able to get into graduate school.

Rights: The resolution criteria based on legal or other institutional rights Identify at least two possible rights for each party.	1. Evaluate intern based on performance in the workplace. 2. Right to spread evaluation tasks to other people such as teresa	1. Being evaluated fairly based on original job description without including extra work done. 2. Proper grading that shows the work done.
Power: The ability to influence another Identify at least two possible power positions held by party.	1. Has the power to determine Alondras grade. 2. Influence the universities view on interns with feedback.	1. Can appeal grade with the university for a grade revaluation. 2. Has helped the company improve billing and has worked in high stress environments.
Commonalities: An issue, circumstance, or goal shared among the disputants Identify any commonalities you see between the disputants	1. Both want the program to be successful. 2. Both are under immense pressure due to the merger. 3. Both care about their reputations. 4. Both have agreed that communication and evaluation can be improved.	

PART 3: AGENDA SETTING & NEGOTIATION PHASE

AGENDA SETTING

Reflect on these “analysis questions” and report the post-mediation outcomes in the worksheet.

[Read Chapter 8, Setting the Agenda for Negotiation, completing this section.](#)

Now that you have completed the issue identification phase for your case study and understand each party's needs, the next step is to begin the agenda phase. Please refer back to the *Components of an Agenda and How to Sequence the Agenda List* in Chapter 8. Based on the issues identified during storytelling, the mediator establishes the agenda using a three-step process. You can also review the module videos to refresh your memory of these steps and see them in action.

Step 1 Transitional Statement: A transitional statement is crucial for guiding the parties or disputants from the storytelling and issue identification phase to the agenda phase. Craft a transitional sentence you used to indicate to the disputants that you are progressing to the next step. In other words, what did you say to signal that you are moving to the agenda phase?

I will thank them for explaining everything to me and state that I understand. I will then state the next phase of the mediation rather than the caucus or state that we will be speaking on a resolution.

Step 2: Commonality Statement. Based on the issues identified in this case, what two-way commonality statement did you create as the mediator? Note: A commonality statement summarizes the parties' characteristics, attitudes, or shared context. Be sure to utilize the two-way commonality formula to structure your statement. Refer to the textbook. Did you incorporate any commonality statements in your mediation session? Provide a written example of a commonality statement used in your role-play (include a video timestamp to locate this statement).

Step 3 Agenda: Write the "agenda" you created during the mediation session role-play. When creating the agenda, remember the following:

- All items on the agenda list should be **negotiable** issues.
- Consider how issues can be **grouped** on the agenda. What would you name the issues? The phrasing of agenda items matters; therefore, write agenda items carefully.

· Items should be **arranged/sequenced** using one of the methods outlined on page 139. Below, you should explain your sequencing method and reasoning. Which issue from your agenda list did you choose to negotiate first? *The order of items is important!*

List Agenda Items

Instructions: List Agenda Items. All items on the agenda list must be **negotiable**.

Sequencing Method

Instructions: What sequence method(s) did you use?

Opening, exploration, joint and separate meetings, and negotiation stage.

NEGOTIATION PHASE

The Co-Mediator should plan for these questions both before and after mediation and document the post-mediation outcomes in the worksheet.

[Read Chapter 9, Problem Solving and Negotiation, before completing this section.](#)

Questions to Start Negotiation: Asking questions during the negotiation phases serves several purposes: (1) getting the parties or disputants started, (2) drawing out ideas, and (3) checking ideas for agreement. To recall, watch the negotiation phase of any module video to see this phase in action or refer to the textbook. **What initial negotiation questions did you ask each party or disputant?**

Self-determination: As the mediator, how did you begin the negotiation process to ensure that all parties are treated with respect for their self-determination? Watch the negotiation phase in any module video to observe this stage in action, or consult the textbook.

I first started by speaking with both individually to make sure they have the same perspective as to what they want for the resolution. I then asked them both questions regarding expectations and restated what they both want in a question format that they are able to self-determine (RULE 10.310) if that is something they both want on their own.

Going into Caucus: If you reach a point in the negotiation and decide to call a caucus, **report on the checklist of items you accomplished during the caucus session (if applicable).**

Remember that everything said in the caucus is confidential; refer to [Florida Rule 10.360](#) on confidentiality. For instance, the checklist might include the following:

§ How to tell the parties you are going into caucus: *What did you say to the disputants?*

§ A review of confidentiality as it applies to a caucus: *What did you say to the disputants?*

§ Giving positive homework: *What homework did you give to the disputant waiting while talking to the other party?*

I advised both parties the caucus is used for one on one discussion, its meant to be a personable and safe space almost for them to speak freely how they feel without the other party involved. As mediations can be overwhelming and intense at times. I advised the party waiting, to take a break and time to themselves as they were waiting, a moment to decompress.

How did you communicate to the parties the appropriate decision for resolving the conflict while ensuring that both sides felt they were treated fairly? (For more information, see [Florida Rule 10.330 Impartiality](#))

That the wants from both parties were deemed fair and reasonable. Something that they felt that they both can agree on with out any further dispute or concern, and making sure to reassure that they are both in agreement with the decision before solidifying the agreement.

Decision Acceptance: What would you do as the mediator if the disputants agree to legal outcomes that you consider unfair? What does the code of conduct for mediators in your state or Florida state regarding how to manage decisions that mediators find questionable? (For more information, see [Florida Rule 10.310 on Self-Determination](#) and [Florida Rule 10.370 regarding Advice, Opinions, or Information.](#))

If they made a decision that was deemed unfair or led me to question internally. I will advised them to seek legal counsel, as the issue itself is unfair and may fall into further dispute and escalation might be necessary beyond mediation. And as a mediator we cannot provide advice from that stand point, but advising to seek further legal counsel is accepted.

PART 4: SETTLEMENT AND CLOSURE

SETTLEMENT

Note: The co/mediator should draft the agreement, and the parties must concur with the content; however, the entire group should review the MOA for accuracy in content and format for grading purposes.

[Read Chapter 10 - Settlement and Closure before completing this section.](#)

Memorandum of Agreement (MOA): Using the sample MOA in Chapter 10 or an online version as a model, write a MOA for your case. Using the template below, write an agreement for the disputants. Revisit details in the textbook about writing an agreement and choosing the phrasing of the agreement. Also, think about what the disputants can mutually agree on to resolve the dispute, focus on the details provided in the case, and be creative!

Memorandum of Agreement (MOA)

This memorandum is between Patricia and Alondria and is their voluntary agreement.

We agree that:

1. both parties will communicate concerns and discuss expectations and grading for the internship.
2. agreed that the supervisor Patricia, will be observing and grading the intern moving forward.
3. both agree that the current grade will be re-reviewed and be based on prior and current performance and to be sure to grade the intern fairly
4. suprvior patricia agrees to be more communicative with the intern regarding work performance and better work relationship.
5. the agreement will be shared with the school academics department so that the new grade can be submitted.
6. look into further sources provided by the mediator if any further concerns comes about.

We understand that the mediator did not intend to draft a legal contract. We understand that signing this document may have legal implications.

Signature: Patrica M. _____ Date: 07/20/2025 _____

Signature: Alondria _____ Date: 07/20/2025 _____

Mediator: Ashley L. _____ Date: 07/20/2025 _____

Co-Mediator: Liliam P. _____ Date: 07/20/2025 _____

REFERENCES

**Davies, A. (n.d.). *Understanding the mediation process: stages and duration*.
<https://www.mediatoracademy.com/blog/mediation-process>**

**Florida Dispute Resolution Center, Office of the State Courts Administrator, & Florida Supreme Court. (2025). Florida rules for Certified & Court-Appointed Mediators. In *Florida Rules for Certified & Court-Appointed Mediators*.
https://www.flcourts.gov/content/download/1998036/file/FRC&CAM_01.2025%20ADA.pdf**