



Reality Testing Around the Grid: A Skills Based Drill

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Southern California Mediation Association

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Agenda

- The Grids
 - The Old Grid
 - <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1684&context=facultypublications>
 - The New Old Grid
 - The New New Grids
 - <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1416&context=ndlr>
- Evaluation vs. Facilitation
- Narrow vs. Broad
- Where Am I Exercise?
- Reality Testing Around the Grid Drills

MEDIATOR TECHNIQUES

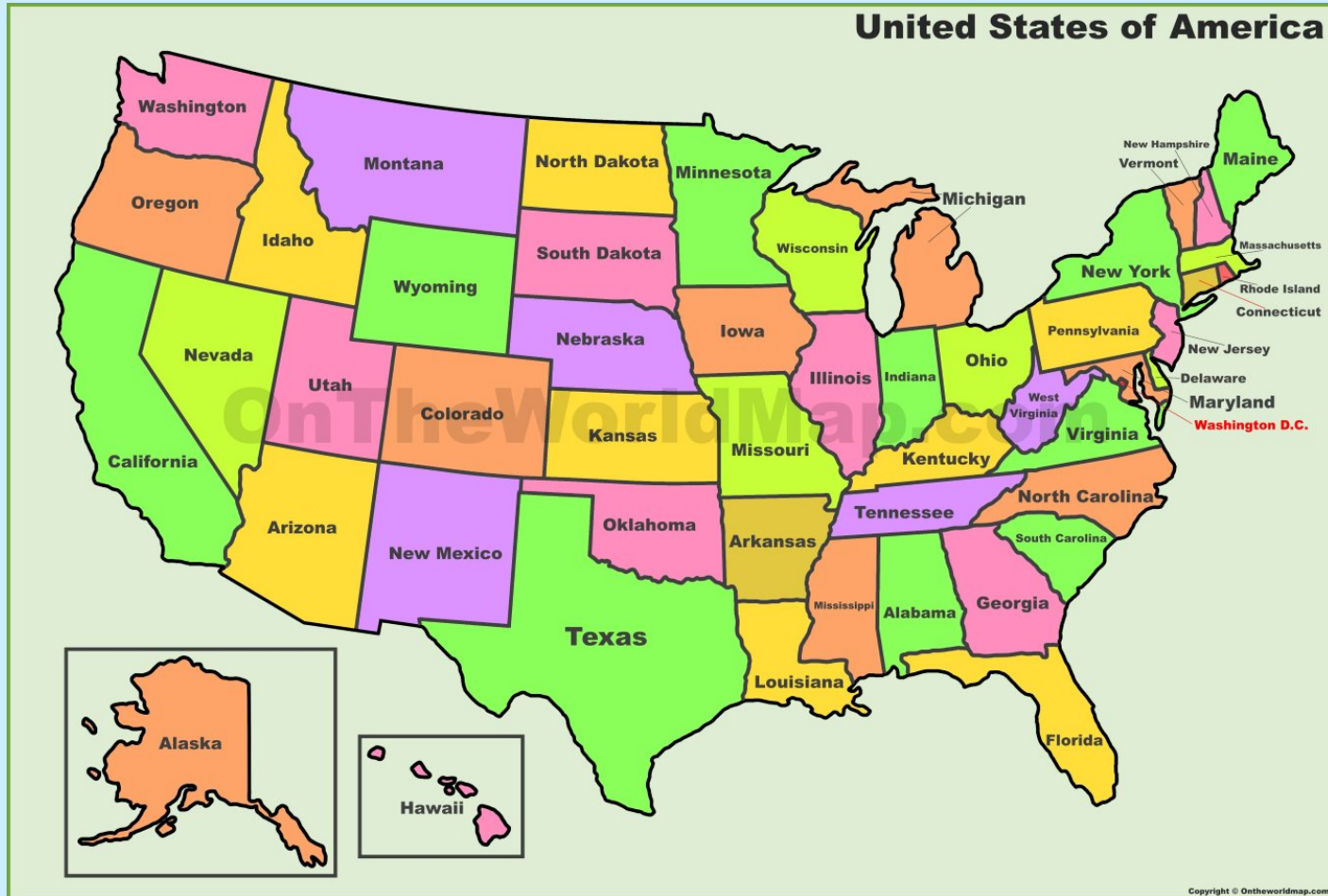
Role of Mediator
EVALUATIVE

Problem Definition NARROW	<p>Urges/pushes parties to accept narrow (position-based) settlement</p> <p>Proposes narrow (position-based) agreement</p> <p>Predicts court or other outcomes</p> <p>Assesses strengths and weaknesses of each side's case</p>	<p>Urges/pushes parties to accept broad (interest-based) settlement</p> <p>Develops and proposes broad (interest-based) agreement</p> <p>Predicts impact (on interests) of not settling</p> <p>Educates self about parties' interests</p>	Problem Definition BROAD
	<p>Helps parties evaluate proposals</p> <p>Helps parties develop & exchange narrow (position-based) proposals</p> <p>Asks about consequences of not settling</p> <p>Asks about likely court or other outcomes</p> <p>Asks about strengths and weaknesses of each side's case</p>	<p>Helps parties evaluate proposals</p> <p>Helps parties develop & exchange broad (interest-based) proposals</p> <p>Helps parties develop options that respond to interests</p> <p>Helps parties understand interests</p>	

FACILITATIVE

The STRAUS INSTITUTE

for Dispute Resolution



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DECISIONMAKING IN MEDIATION:
THE NEW OLD GRID AND THE
NEW NEW GRID SYSTEM

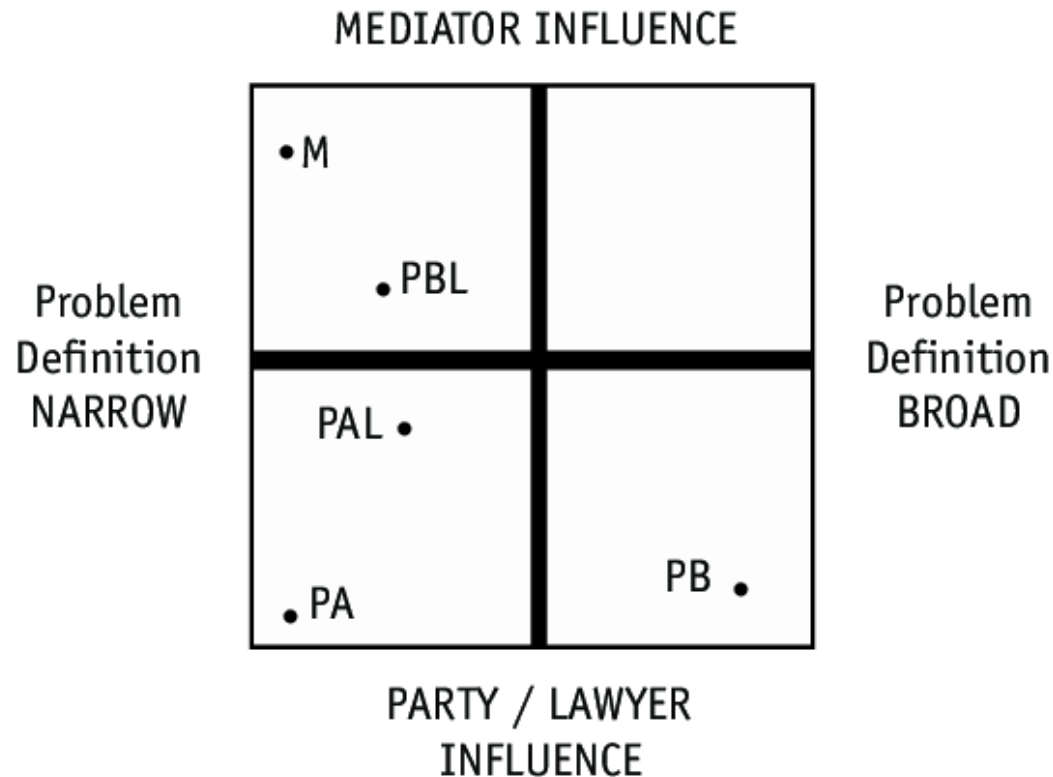
Leonard L. Riskin

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New New Grids

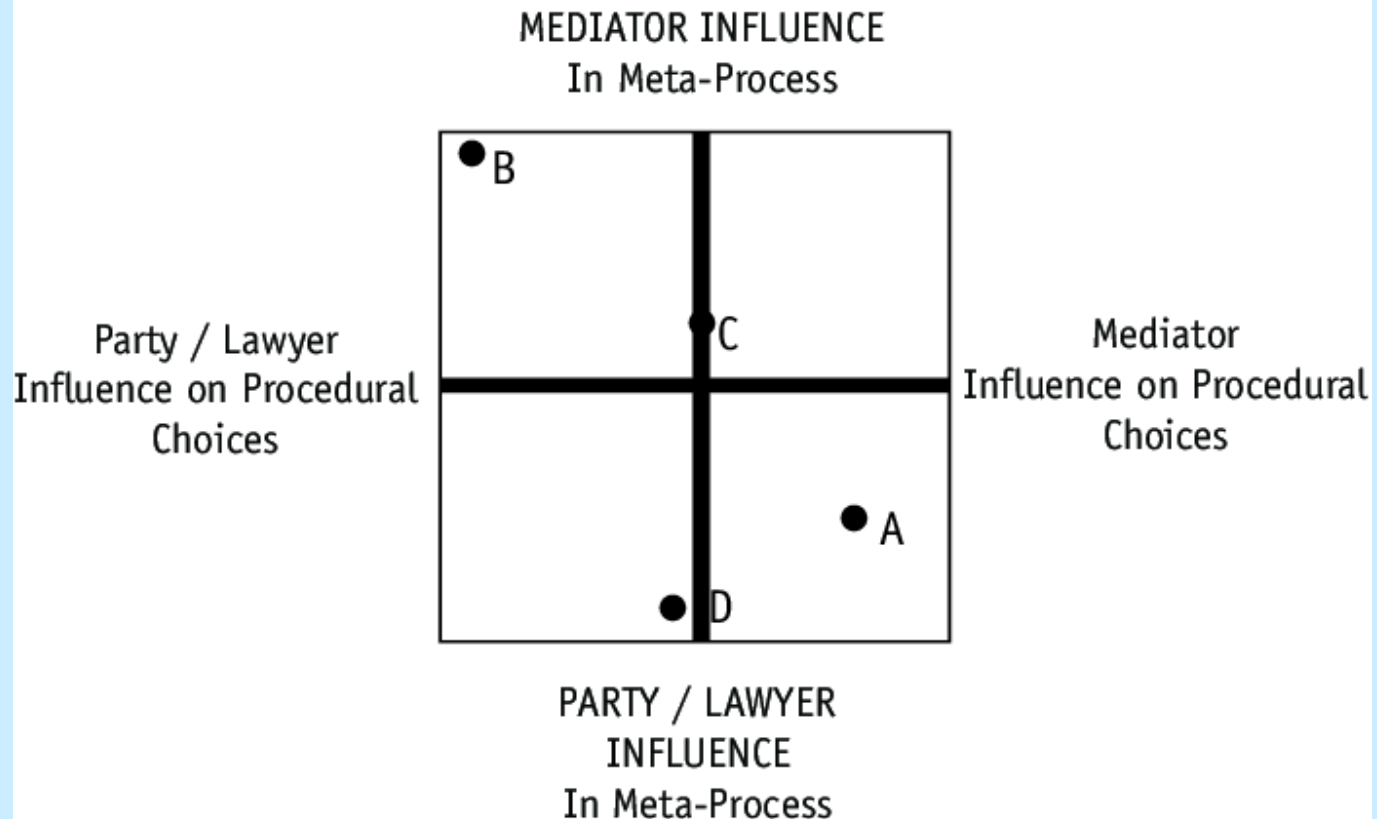
Substantive Decision-Making

Predisposition re:
Problem-Definition



New New Grids

Meta-Procedural Decision-Making: Deciding Who Influence Procedural Issues



Reality Testing



Reality Testing: Evaluative

NARROW

- Urges
- Recommends
- Evaluates
- Advises
- Have you ever seen a jury ignore the video tape?
- How would you defend firing without documentation?

BROAD

- Urges
- Recommends
- Counsels
- Mentors
- I have seen people in your situation and they are so relieved when its all over.
- This is a way to save your professional reputation, which I hear is important.

Reality Testing: Facilitative

NARROW

- Focuses
- Structures discussion around elements
- Asks open ended legal ?s
- Reframes
- Are you aware of the last few jury verdicts? I am not so am curious?
- What is a judge likely to say about_____?

BROAD

- Focuses
- Structures problem around interests
- Asks questions eliciting interests
- Reframes
- What is most important to you?
- What will it be like for you if you don't settle?