THE CO-MEDIATION MODEL

Working together as a team can be fun and rewarding – you get time to observe, learn by watching your partner, and then have a chance to debrief and compare notes.

We like to use this model in our practicum rather than one of presenting one person as the “master” and the other as the “novice”. It is much harder for the mediator to gain the confidence of the clients when working in the master-novice model than working in tandem as co-mediators.

Nevertheless, your mentor will help you to take as much responsibility for the mediation as you feel capable of taking. In every session you must, however, participate as a mediator and not simply as an observer watching your mentor perform.

How to Co-Mediate

- Prepare ahead – do not try to co-mediate by the “seat of your pants”.
- Discuss your strengths and weaknesses. Look for ways that you can support each other and learn new skills.
- Decide how the responsibilities will be divided (stages, tasks, issues).
- Discuss what strategies you will use; how to change strategies during mediation, how to interrupt each other without causing tension, and how to keep each other on track to avoid one of you ‘taking the ball into left field”.
- Work out the signals you plan to use.
- Be sure both of you speak early in the session to obtain some “voice legitimacy”.
- Discuss balance – one mediator should not dominate and the other be a silent “wall flower”.
- Work out internal disputes outside the session. The parties do not need to see a conflict between their mediators.

There are many advantages to co-mediation, both for the mediators and for the clients. This is especially true in cases involving cross-cutting issues of race, ethnicity, gender, class, age, etc. Some of these advantages are:

Advantages for the Clients:

- The mediation team can represent client’s diverse characteristics (eg. Male/female, Anglo/Hispanic, old/young, etc.)

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1 With thanks to the British Columbia Mediator Roster Society for source materials
• A client has a better change of feeling a sense of trust with at least one of the two mediators.
• The clients have the advantage of the combined skills of two mediators, whose skills usually enhance and complement each other.
• Co-mediators can model cooperative problem-solving and direct dialogue for clients.
• There is a better “check” on mediator bias or other short-comings.

Advantages for the Mediators:

• Having a partner eases the load and tension of mediation, especially in difficult cases and multi-party situations.
• Tasks can be comfortably divided when mediators are intentionally paired (e.g. a person skilled at handling emotions paired with a person skilled at practical problem-solving).
• A team is less likely to be accused of being “co-opted” by a party.
• Co-mediators can learn new techniques from each other in the process.
• Sessions can be debriefed and strategies planned with a partner.
• A co-mediator can “intervene” if a partner “loses it” in some way.
• A less-experienced mediator can work with a more-experienced colleague.

Although we feel the advantages of co-mediation far outweigh the possible disadvantages, some of these are listed below for your consideration:

Possible Disadvantages for the Client:

• They must discuss painful, embarrassing and/or complicated matters with yet more people.
• Co-mediation usually raises the cost of mediation sessions, if the disputants are paying a mediation fee.
• Working with a team can sometimes complicate scheduling of sessions.
• Clients can experience what seems to be a “divided mind” between the mediators about what should be happening in the process.
• May be perceived by parties as overwhelming to have two mediators and feel like being “ganged-up” on.
• Gender imbalance.

Possible Disadvantages for the Mediators:

• Co-mediating with someone you haven’t worked with regularly can feel awkward and frustrating.
• Coordinating a case with another person can sometimes feel like more work than it is worth.
• The co-mediation format can lead to mediator “laziness” or inattention.
• A co-mediation team which isn’t well matched can feel out of balance and uncomfortable to one or both mediators, depending on differences in mediation style, personal style, experiences, etc.