

"Breaking Impasse" in Mediation

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Impasse Avoidance

- Getting the Right Participants
- Building Credibility
- Avoiding Ultimatums
- Changing the Dynamics
- Framing Messages and Proposals
- Using Brackets

Impasse vs. Obstacle

Impasse-Breaking Techniques

- Revisiting Interests
- Doing Reality Check – BATNA
- Distinguishing between What Should Happen vs. What Will/May Happen
- Encouraging Objective Financial Analysis
- Using Gambling Analogies (Roulette; Coin Flip)
- Remembering Three Legs of the Stool (\$; Psychological; Process)
- Employing Side-Bar Conferences
- Picking Up on Clues
- Trying What-If's
- Having Central Issue Decided by a 3P (e.g. valuation)
- Offering Mediator's Proposal
- Considering Grounds for Agreement on Some Issues
- Using Adjournment to Advantage