What Makes this speech compelling?

Consider:
Non-Verbals
Content
Tone

___The Shawshank Redemption
The Opening Statement is:

1) Greeting
2) Presentation
3) Sales Pitch
Main Objectives:

1) First Impressions
2) Content
   a) Required
   b) Important
   c) Unnecessary
3) Non-Verbal
   a) Pros
   b) Cons
Content in the Opening Statement:

1) Greeting
2) Buy In
3) Required Content
4) Important Content
5) Getting Started
Greetings
Greetings:
Comfortable Chair
Window and Space
Privacy
Ice Breaker
Facilities
Introduce Names and Roles
Disclosure!
Rule 10.340 Conflicts of Interest- Disclosure

(b) Burden of Disclosure. The burden of disclosure of any potential conflict of interest rests on the mediator. Disclosure shall be made as soon as practical after the mediator becomes aware of the interest or relationship giving rise to the potential conflict of interest.

(c) Effect of Disclosure. After appropriate disclosure, the mediator may serve if all parties agree. However, if a conflict of interest clearly impairs a mediator’s impartiality, the mediator shall withdraw regardless of the express agreement of the parties.
Rule 10.330 Impartiality

(a) Generally. A mediator shall maintain impartiality throughout the mediation process. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.
Buy In
Buy In

1) Buy in to the Mediation Process
2) Buy in to the Mediator
How did they get here?
- Court Order
- Agreement

How much do they know already?
- Attended Mediation before
- Lawyers prepared them
- Never been
How to get parties to buy in to the Mediator?
What We Say to Get Buy In to Mediator:

- Mediator Credentials
- Respect
- Control
- Professionalism
- Positive Attitude
How to get parties to buy in to the Mediation Process?
What We Say to Get Buy In to the Mediation Process

Money, Time, Health Savings
Empower the Parties
Collaborative Process
Opportunity to be Heard
Creative Bargaining
Positive Attitude
Required Content
Rule 10.420
Conduct of Mediation:

Upon commencement of the mediation session, a mediator shall describe:
the mediation process and the role of the mediator, and shall inform the mediation participants that:
1) Mediation is consensual
2) The Mediator is impartial
3) Communications are confidential
Remember:
V - Voluntary/Consensual
I – Impartial
C - Confidential
Confidentiality
Our discussion today is held strictly confidential. However, there are exceptions to confidentiality where permitted or required by law. For example, I would not be able to hold confidential a report of child abuse.

In mediation what we talk about is confidential, it’s a secret that stays between us in this room. There are some exceptions to this secrecy. For example, if you resolve this case and sign an agreement today the judge or even your family members may see the agreement.
Trading Words:

- Impartial = Facilitator
- Consensual =
- Caucus =
Trading Words:

- Impartial = Not taking sides
- Facilitator = Helping you talk
- Consensual = Voluntary
- Caucus = Talk Privately
Important Content
Important Content

Explanatory of Caucus
Mediator ≠ legal advisor
Expectations of Time
Call to Compromise
Destroying Notes
Creating Agreement
Getting Started
Getting Started:

Ground Rules
Note Taking
Respect
Speaking Order
Consider the Content of this Opening Statement

Remember the Elements:
Greeting,
Buy In,
Required Content,
Important Content,
Getting Started
Did the Mediators cover:

- Greeting
  - Disclosure
- Buy In
- Required Content
  - Voluntary
  - Impartial
  - Confidential
  - Role and Process
- Important Content
- Getting Started
Consider the Content of this Opening Statement

Remember the Elements:
Greeting,
Buy In,
Required Content,
Important Content,
Getting Started
Did the Mediator cover:

- Greeting
  - Disclosure
- Buy In
- Required Content
  - Voluntary
  - Impartial
  - Confidential
  - Role and Process
- Important Content
- Getting Started
The Non-Verbal Element
Note the Non-Verbal actions of the Realtor
What the Realtor did well:

- Used silence
- Calming voice
- Eye Contact
- Sitting Forward/Leaning in
- Dressed Professionally
- Maintained Composure
Full Review
Content AND Non-verbal Elements of This Opening Statement

Remember the Elements:
Greeting,
Buy In,
Required Content,
Important Content,
Getting Started
Review of Main Objectives:

1) Stuck w/ First Impressions
2) Presentation
   a) Keep it Relevant
   b) Use simple words
3) Required Content
   i) Disclosure
   ii) Buy In
   iii) VIC
   iv) Role and Process
4) Non-Verbal
   a) Eye Contact
   b) Calming Tone
   c) Positive Attitude
A Great Opening to a Win-Win-Win-Win-Win Process
BabyDriver

New Movie Recommendation