

# mediation with joe salama



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Musings of a Mediator - January 19, 2009  
by Joe Salama

I have found that nearly everyone can be reasonable. Certainly anyone who was once reasonable enough to begin a relationship with someone else can become reasonable again.

Mediations often start with "I REALLY don't think the other side will sit down to mediate..." and sometimes, although rarely, they don't. More often they do, and it surprises the first party tremendously. When communication has broken down completely, that is the perfect time for the objective third party to come in. No one enjoys a dispute. Everyone wants their dispute resolved. If the parties come to the table, that is more than half the battle. It is never easy, and in some cases I have to hold hands, beat people on the heads with sticks, or even pull a few teeth, but once they are at the table a settlement is very likely to be reached.

Often times it's an issue of saving face. They need a mediator to suggest something the other side has been suggesting all along just so they have an excuse not to devalue the suggestion. Often times it's an issue of ego and respect, and once these are addressed, the reasonableness starts to shine through. Often times it's a matter of building confidence in the parties' ability to agree at all, and many respected authorities accordingly suggest starting with smaller, easier disagreements to build the parties' momentum and confidence.

In the end, the agreement that is reached must be palatable to both parties so they are happy to execute on it. To that end, I give the parties an opportunity to go back and change their mind once or twice before the final agreement is reached, if the other parties can see the wisdom in that and agree, and the resulting settlement agreement is far superior as a result.

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