



Identifying Theory and Practice of Mediator Authority 2 hours (CME Credit)

As neutrals we are required to inform parties of the legal parameters of the ADR process being used. This supports party self-determination. The role of a neutral as an authority figure is therefore, unavoidable. Many mediators may be unaware that we represent the court and the legal system, and that we are seen by parties in a position of authority.

Objectives of the training:

- To recognize the ways mediator authority comes from institutions outside the individual mediator
- To recognize how each mediator brings a set of skills and experiences that may be seen by the parties as conferring authority
- To learn what scholars and practitioners think
- To share our observations and conclusions about mediator use of authority

Mediators act as extensions of the court and legal system when making a determination that mediation is appropriate, in assessing that all parties have the capacity, good will, and authority to mediate, in deciding if he or she can be neutral and impartial, and in explaining the legal underpinnings of the ADR processes.

If mediators are not authorities on how to resolve conflict then why would parties seek our help? In denying authority, mediators fail to understand the full impact of their role *and* the potential for exercising undue influence. This workshop asks mediators to recognize the authority we have and urges caution in its use.