

Indiana Association of Mediators  
2023 Virtual Midwest Mediation Conference

**Inspiring Trust in Mediation:**  
The Power of Authenticity and Strategy

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**AGENDA AND DESCRIPTION**

**Agenda - Day 1**

- Introduction and Warm-up (9:00 a.m. – 9:30 a.m.)
- Authenticity is the Foundation of Trust: Embracing Foundational Beliefs, Core Values, and Personal Strengths (9:30 a.m. – 11:00 a.m.)
- Break (11:00 a.m. – 11:15 a.m.)
- Authenticity is the Foundation of Trust, *continued* (11:15 a.m. – 12:30 p.m.)
- Lunch (12:30 p.m. – 1:30 p.m.)
- Applying Authenticity to Strategic Client Email Communications (1:30 p.m. – 3:00 p.m.)
- Break (3:00 p.m. – 3:15 p.m.)
- Anchoring in Mediation Techniques to Address Ethical Issues: Impartiality, Self-Determination, Confidentiality, and Informed Consent (3:15 p.m. – 4:45 p.m.)
- Summary of Day 1 (4:45 p.m. – 5:00 p.m.)

**Agenda - Day 2**

- Welcome and Warm Up (9:00 a.m. – 9:15 a.m.)
- 20 Effective Mediator Strategies (9:15 a.m. – 10:45 a.m.)
- Break (10:45 a.m. – 11:00 a.m.)
- Mediation LIVE: Mediation Observation and Debrief (11:00 a.m. – 12:30 p.m.)
- Lunch (12:30 p.m. – 1:30 p.m.)
- Mediation LIVE: continued with Indiana Mediators (1:30 p.m. – 3:00 p.m.)
- Gamechangers to Grow the Online Mediation Practice of Your Dreams (3:00 p.m. – 4:30 p.m.)
- Questions, Answers, and Concluding Comments (4:30 p.m. – 5:00 p.m.)

## DESCRIPTION

This training helps mediators from all backgrounds reach their highest potential as successful, effective, and confident professionals.

The more clients trust the mediator, the safer they feel and the more willing they are to openly and honestly engage in mediation, allowing them to reach their best possible agreements. The mediator's ability to create a trusted environment is essential for the mediator to facilitate the best outcomes in mediation—and build the practice of their dreams.

### How can you build this trust?

This workshop answers this essential question: Building trust begins with **you**. Clients hire you because they feel **you** can help them through their issues. **You** are what you are offering. Your confidence skyrockets when you remain aware of who you are, are comfortable in your own skin, and are prepared to take strategic risks—authentically—to meet any challenge in mediation.

We focus on *authenticity and strategy*—the *art and science* of mediation with the understanding that every communication has the power to increase trust. You can courageously apply these concepts, techniques, and strategies to your mediation practice and be the mediator you were born to be. This training will include lectures, facilitated group discussions, interactive and individual exercises, and role-play mediation scenarios,—including observing, participating, coaching, and in-depth debriefing.

## OVERVIEW

### Day 1 - Be Yourself

- Authenticity is the Foundation of Trust: Embracing Foundational Beliefs, Core Values, and Personal Strengths
- Applying Authenticity to Strategic Client Email Communications
- Anchoring in Mediation Techniques to Address Ethical Issues: Impartiality, Self-Determination, Confidentiality, and Informed Consent

### Day 2 - Be Strategic

- 20 Effective Mediator Strategies: Why, How, and When to Use Them
- Mediation LIVE: Mediation Observation and Debrief
- Gamechangers to Grow the Online Mediation Practice of Your Dreams

## DETAILS

### Authenticity is the Foundation of Trust: Embracing Foundational Beliefs, Core Values, and Personal Strengths

Successful mediators agree that “being yourself” is the best way to develop a thriving practice and help clients reach their best possible agreements. Like real estate's key factor is “location, location, location,” top mediators know the key factor in mediation is “trust, trust, trust.” Numerous studies, including a recent study described in Harvard Business Review, show authenticity as a “core driver” for building trust. Mediators achieve authenticity by aligning their thoughts, words, and actions with their core beliefs, values, and strengths.

We begin by surveying participants' **core beliefs** about conflict resolution. Next, we share several foundational beliefs, necessary for developing a sustainable mediation practice, that participants can effectively embrace and apply. Then, in a breakout session, participants identify their **core values** and participate in group reflection. Michael and Karen share the core values that guide their choices as professionals and business owners, particularly ethical issues related to impartiality, confidentiality, and informed consent. Lastly, we consider how applying individual beliefs, values, and personal strengths builds *trust in ourselves* and directly impacts our *clients' trust in us*.

With an enhanced understanding of their core beliefs, values and strengths, workshop participants more confidently trust their instincts and ability to make the best strategic choices, to build connection and trust with clients.

### Applying Authenticity to Strategic Client Email Communications

Emails are the most common and pivotal form of communication aside from interactions inside the mediation room. Strategic emails are vital to our success, from securing a new client to reaching the most challenging final agreement. Applying our beliefs, values, and strengths we create thoughtful communications that inspire trust and lead to the best possible outcomes.

We will analyze word choice, topics, tone, and even the intentional ordering of communications to alter our clients' responses and positively affect their mediation experience. Additionally, participants will identify Indiana ADR ethics rules implicated within the exercise and discuss how they apply to mediation communications.

In the *Email Intensive Workshop*, participants will draft a response to an email from a potential client inquiring about mediation services. Michael and Karen provide advanced coaching as they collaboratively edit select responses in real-time. They also provide their annotated email response for intensive group analysis.

Participants will be inspired and empowered to become more confident mediators who continuously align their communication with their values, in all circumstances—creating more precise and effective communication. As a result, their current and potential clients will develop more confidence in their mediator and the mediation process.

## **Anchoring in Mediation Techniques to Address Ethics Issues, including Impartiality, Self-Determination, Confidentiality, and Informed Consent**

Continuing the *Email Intensive Workshop scenario*, the clients have chosen Michael as their mediator. Participants observe Michael's confidential phone conversations with each client in this Phone Call Intensive Workshop to field their questions and concerns before the first mediation meeting.

Participants will observe Michael's strategic handling of the ethical and practical issues related to impartiality, self-determination, confidentiality, and informed consent.

Karen leads participants in a phone call debriefing session, reflecting on the mediator's choices. During an in-depth discussion, participants will analyze **The Indiana Rules of Court, Rules for Alternative Dispute Resolution, Rule 2, Mediation**, and apply relevant rules to their observations. Analyzing Indiana's ADR ethics rules, participants will share what was effective and ineffective, describe the employed strategies, and explore how the mediator's core values and beliefs influenced their behaviors.

Participants will understand the art of 'dynamic flexibility'—a cornerstone of effective mediation techniques to intentionally assess, attune, and adapt to "meet our clients where they are"—all while anchoring in our core values and beliefs. Participants will also practice "multi-dynamic awareness," gaining maximum freedom of choice in mediation.

\* The presenters developed this program to include 1.5 CLE Ethics Credits

## **20 Effective Mediator Strategies: Why, How, and When We Use Them**

The magic of mediation unfolds when mediators strategically:

- assess the changing mediation conditions from moment to moment;
- generate hypotheses;
- consider their choices;
- decide the best thing to say or do to move clients toward their best agreements, and
- act accordingly, in complete alignment with their core values and beliefs.

Like an impromptu dance that appears well-rehearsed, a skilled mediator dynamically and strategically responds to clients' needs—*no matter the circumstances*. A mediator's options for action are called strategies. A strategy is a specific action to achieve an overall goal. The goal of mediation is to help clients reach their best possible agreements. Strategies, therefore, may pre-empt, reduce, deflect, and allow conflict. Strategies can create focus, alignment, momentum, hope, and inspiration. They can reduce anxiety, provide relief, empower, and restore self-esteem. They can also balance power and allow the mediator to control the process. Michael and Karen present and demonstrate the versatility of 20 powerful strategies.

Participants will understand our enormous power to influence mediation outcomes and great responsibility to use our unavoidable influence positively with ultimate regard for our clients' self-determination. Michael and Karen will facilitate an exploration of when and how to use each strategy to its maximum effectiveness. Empowered with tools to personalize interactions and provide forward-

focused leadership, participants will advance their creativity, grow their confidence, and build trust with their clients.

### **Mediation LIVE: Observing and Debriefing Mediation**

Participants observe Michael mediate and note the use of specific strategies and techniques.

Karen leads participants in a debriefing session, reflecting on the mediator's choices of strategies and techniques. Participants will identify strategies, share what was particularly effective and ineffective, and describe how the mediator's core values and beliefs may have influenced their choices. Participants will also identify implicated **Indiana ADR ethics rules** and discuss how they apply to a mediator's decision-making.

Continuing the mediation observation, in a rare opportunity, several volunteer participants will continue mediating the case—with real-time coaching from Michael, followed by an extensive debrief facilitated by Karen.

Participants will gain insight into the meaning of 'the art and science of mediation' by understanding how to approach mediation authentically and strategically. They will learn to navigate the ever-changing dynamics of mediation and maximize quality outcomes.

### **Gamechangers to Grow the Online Mediation Practice of Your Dreams**

Approaching your mediation business with courageous authenticity and enthusiastic strategy is key to creating the practice of your dreams. As a mediator, you can lead others to their best possible outcomes—now, *how far can you lead yourself to make your financial goals a reality?* You can be financially successful by following your dreams.

At 30 years old, Michael and Karen opened the doors to *The Aurit Center for Divorce Mediation* straight out of law school and a master's program in clinical psychology, respectively, with no formal mediation experience. Over the past decade, they have overseen nearly 2,000 mediation cases using their authentic-strategic approach and continue to consistently generate over seven figures per year, operating entirely online with the support of their phenomenal team.

Michael and Karen will share numerous "game-changers" on their roadmap to developing and sustaining a successful online mediation practice.

Participants will understand how to shift their mindset and gain access to Karen's signature approach to determining daily mini-habits that can exponentially advance personal and professional development. Grow yourself and grow your business! Participants can intentionally approach their online presence and strategic website to capitalize on aspects of successful digital marketing. They will understand how to accomplish their short and long-term business goals. They will also consider how to approach the structure of their mediation process to maximize efficiency, consistency, and success.

Astonishingly, implementing business growth strategies can supercharge a more effective mediation process for clients because they are all driven by the singular goal of **inspiring trust**.

## PRESENTER BIOGRAPHIES

**Michael Aurit, Esq., MDR**, is well-known as one of America's leading professional divorce mediators. He is a conflict resolution innovator, educator, and thought leader who mediates cases involving challenging cases that require creative problem-solving. As President of The Academy of Professional Family Mediators (APFM) from 2019 to 2021, he inspired and guided mediators worldwide through the pandemic and championed the rise of online mediation. Michael teaches Divorce and Family mediation at the Straus Institute for Dispute Resolution at Pepperdine University School of Law.

**Karen Aurit, LAMFT**, is a Licensed Associate Marriage and Family Therapist, mindfulness educator, and conflict resolution entrepreneur. Having designed The Aurit Center's dispute resolution process, Karen now oversees the Center's operations. Karen is a behavioral health community leader serving three consecutive years as Conference Co-Chair for the American Association for Marriage and Family in Arizona. Karen teaches Divorce and Family mediation at the Straus Institute for Dispute Resolution at Pepperdine University School of Law.

**Michael and Karen** have overseen an unprecedented number of divorce mediation cases using their uniquely authentic and strategic approach over the last decade. As a result, their clients feel supported and empowered to reach their best agreements. The Aurit Center's settlement rate is over 95%.

They lead one of America's most effective teams of family mediators and teach divorce and family mediation together at the prestigious Straus Institute for Dispute Resolution at Pepperdine University School of Law, ranked #1 by U.S. News and World Report. They also provide private mediation training and high-level coaching for the nation's most experienced professionals.

Karen and Michael have been featured in *The Wall Street Journal*, *Marie Claire*, *Men's Health*, *The Huffington Post*, and *Parents Magazine*. They each author a regular column, *Healthy Love Habits* and *Courageous Co-Parenting*, respectively, in a popular Arizona parenting magazine. They also co-host a groundbreaking podcast produced with Mediate.com, *Inside the Mediation Room with Michael and Karen Aurit*.

When Michael and Karen aren't working, they enjoy weekend runs to Trader Joe's, coffee shop hopping together, rocking out to Taylor Swift's latest music, and savoring every funny moment with their six and four-year-old girls.