

What is Mediation?

Mediation is a form of alternative dispute resolution (ADR) aiming to assist two (or more) participants to resolve a dispute and/or shape an agreement. Mediators use appropriate techniques and skills to open and improve dialogue between parties to help them make informed decisions. The parties themselves determine the conditions of any settlement reached rather than accepting something imposed by a third party, such as a judge or jury.

Why chose Mediation?

- ✓ More Cost Effective
- ✓ Timely Solutions
- ✓ Confidential
- ✓ You control the outcome
- ✓ Encourages communication
- ✓ Facilitates practical decisions and compromise
- ✓ Preserves relationships
- ✓ Sets positive examples for children
- ✓ Valuable skill building for all conflict scenarios

**Choose Wisely
Mediate.**

Expertise, Innovation, Integrity

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**LEGAL EDGE
SOLUTIONS,
PLLC**

MEDIATION



Life has enough
uncertainties. Stay in
control of the decisions
that matter.



How Does The Mediation Process Work?

1. Orientation

The mediator meets with the parties individually in advance of the mediation to explain the process, encourage the parties to begin to identify the issues and their goals, and encourage the parties to plan for what information and resources to bring that may make them better prepared for the mediation.

2. Introductory Remarks

Once all parties are present, the Mediator will make introductions, give an opening statement outlining the roles of the participants, define protocol and guidelines, and set the time frame. The physical setting will be controlled so that no party feels threatened. Attorneys can be present, but the parties should speak for themselves.

3. Skill Building and Gaining Clarity of Goals, Resources, Options, and Preferences

Each party will have an opportunity to tell their story uninterrupted, giving the parties an opportunity to frame issues and their position.

Methods for developing options may include group discussion, developing hypothetical scenarios, or identification of common ground from which the parties may build. The mediator may decide to hold private sessions with the parties in order to move the process along. This caucus session can be confidential. The caucus provides a safe environment in which to brainstorm and surface underlying fears. Parties can also entertain alternative solutions to their problems without committing themselves to offer the solutions as concessions.

The style of mediation may vary depending on the circumstances of the dispute and needs of the parties including skill building to more hands-on problem solving or evaluation of the pros and cons or strengths and weaknesses of each position.

4. Reaching Resolution

The mediator will ask the parties open-ended questions to get to the emotional undercurrents. The mediator tries to find common goals between the parties. The mediator may repeat back key ideas to the parties, and may summarize often. This helps the mediator build rapport between the parties and builds the skills of both sides empowering each to listen, analyze issues, communicate, recognize the views of the other, and make decisions more effectively than they could before.

Experience Working for You

Sandra K. Kuntz has practiced law at the Mackoff Kellogg Law Firm for the past 18 years, where she has been shareholder and Vice President. She has recently separated from MK to chase her dream of establishing the first dedicated conflict resolution center in southwest North Dakota operating as Legal Edge Solutions, PLLC.

Ms. Kuntz graduated summa cum laude from UND with a B.S. degree in public administration and received her J.D. degree, with distinction, from UND. She is licensed to practice law in the States of North Dakota, South Dakota, and Montana. She has focused her career in the areas of family law, juvenile defense, real estate, oil and gas, and also currently serves the cities of Medora and Belfield as their municipal attorney. Ms. Kuntz is a certified guardian ad litem, parenting investigator, and parent coordinator. She has represented both men and women during divorce and child custody proceedings. She is a qualified neutral on the North Dakota Supreme Court roster of Mediators for family and civil mediation, a member of the Conflict Resolution Center, and has partnered with the ND Department of Agriculture to provide Oil and Gas mediation services throughout western North Dakota.