

EDNY ADR Department
Columbia Law School
Ethics Colloquium



Mediation Manipulation

Wednesday, October 23, 2019

5:00pm – 7:00pm

Mediators rely on a number of common techniques to help facilitate a productive discussion. These range from stroking or “playing the newbie” to directing the physical placement of parties in the room, controlling the information flow between caucuses, and deliberately delaying settlement discussions until after lunch. On the flip side, parties and attorneys also maneuver the mediation to make the mediator—someone they see as a judge-like figure—sympathetic to them.

While these interventions can be helpful and are often deployed in service of party self-determination, how do we distinguish between skillful management of a mediation and unscrupulous manipulation of the parties? What are the types of interventions that mediators can and should make while remaining within their ethical bounds? How can a mediator identify when she is being manipulated by the parties?

In this interactive workshop, we will explore what manipulation means and how it can manifest itself in mediations. We will also provide a forum for experienced mediators, advocates, and others to discuss how to handle manipulation in mediation, and examine how resolving a conflict can intersect with a mediators' ethical obligations.

**EDNY Brooklyn Courthouse
225 Cadman Plaza East
Brooklyn, New York**

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