




Role of an Effective Mediator – Separating Positions from Interests

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An effective Mediator knows that often the parties' bargaining positions are not reflective of what truly stands behind their positions. While on the surface it may seem that the issue is simply dollars and cents, the fact is that their positions are often driven by other motives. These motives can be such things as anger, lack of recognition, desire to punish, or hopes for concessions. The Mediator needs to be able to assess which of these motives are behind the positions taken by the parties so that he cannot try to diffuse these factors. It often will prove very difficult to settle a dispute without the parties being able to modify the form or content of their original demands. An effective Mediator knows this and will use his or her skill to assist the parties in distinguishing their true underlying needs-things that the parties will need to address to have any chance in settling the dispute-from their original desires or motives, and modify their bargaining positions accordingly. This is the task of helping the parties move from the positions they are taking to identifying the interests that underlie those positions and effectively dealing with them to achieve a settlement.



Herb Silber brings a strong combination of experience, expertise and empathy to his role as mediator.

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