KNIGHT
MEDIATIONS

THE COMPLETE GUIDE

YOUR FIRST MEDIATION.



What it is, how to prepare, what happens hour by hour, and how to leave with an agreement you understand.

FOR ANYONE, ANYWHERE · BY FAITH KNIGHT

INSIDE.

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HOW TO USE THIS GUIDE

Read chapters 01 and 02 as soon as you know you're going to mediation. Fill in the worksheet in chapter 04 about a week before, and talk it through with your attorney. Read chapters 06 through 09 the night before.

Mediation works in much the same way across the United States and much of the world. Where the law matters, rules differ from place to place, so you'll see notes on how it works in Oklahoma, where we practice. Your attorney can tell you how it works where you are.

YOU CAN'T LOSE MEDIATION.

Nothing is binding until you agree and sign. The worst outcome is that you leave without an agreement, and the case continues where it was.

01

CHAPTER ONE

WHAT MEDIATION IS.

IN ONE SENTENCE

A structured, confidential conversation, led by a trained neutral, that helps people in a dispute reach their own agreement.

Mediation is a way of settling a dispute without someone else deciding it for you. A trained, neutral person, the mediator, helps both sides understand each other, sort out what really matters, and turn that into terms both can accept.

The mediator doesn't decide who's right. There's no verdict and no ruling. The people in the dispute decide the outcome, and nothing is final unless they agree to it. That single fact changes everything about how the day feels, and it's why mediation works so often.

WHY PEOPLE CHOOSE IT

Control. You shape the outcome, instead of handing it to a judge who has an hour with your file.

Time and cost. One day of mediation can replace months of hearings and legal fees.

Better answers. You can agree to things a court can't order: a payment plan, an apology, a holiday tradition.

Privacy. Conversations stay out of the public record, within the limits the law sets.

Relationships. Co-parents, business partners and neighbors still have to deal with each other afterward.

Lasting results. People tend to keep agreements they helped write.

WHAT IT ISN'T

NOT COURT

No judge, no witness stand, no one wins or loses. You talk, often in private rooms, with your attorney beside you.

NOT ARBITRATION

An arbitrator hears both sides and makes a decision. A mediator never does. In mediation, you decide.

NOT THERAPY

Feelings matter and get room, but the work is practical: terms, dates, numbers and a plan for what comes next.

IN OKLAHOMA

When a court refers a case to mediation, the law makes mediation communications private and confidential and keeps them out of evidence, with limited exceptions (12 O.S. § 1824). Your agreement to mediate spells out the rest.

A NOTE ON STYLES

Some mediators mostly help you talk and build options. Others also share a view on the strengths and risks of each side. Most blend both. It's fine to ask your mediator how they work.

WHO'S IN THE ROOM

You and the other side. Your attorneys, if you have them. The mediator. And anyone else whose approval a settlement needs: an insurance adjuster, a business partner, a company representative. With everyone's agreement, an interpreter or a support person may come too. In family cases, children don't attend.

CHOSEN, OR ORDERED

Sometimes both sides choose mediation. Sometimes a court orders the parties to try it before a hearing or trial. Even when you're ordered to attend, you're never ordered to agree. Your job is to come prepared and negotiate in good faith. The decision is still yours.

HOW LONG IT TAKES

Most cases with attorneys are scheduled for a half day or a full day. Complex matters sometimes need a second session. Much of the day is spent in separate rooms, with the mediator moving between them.

HOW PRIVATE IT IS

In most places, what's said in mediation stays in mediation. That protection lets people speak honestly, explore ideas, and admit uncertainty without it being used against them later. The details vary by state and country, and there are exceptions, such as threats of harm. Before the session, you'll sign an agreement to mediate that explains exactly what's protected.

WHEN IT ISN'T THE RIGHT FIT

Mediation isn't right for everyone. It may not be appropriate when someone's safety is at risk, when one person can't speak freely out of fear, when someone is hiding information, or when a legal question needs a judge's ruling before anything else can move. A good mediator screens for these before the session, and will stop if it becomes unsafe or unfair.

1 YOU DECIDE.

The mediator doesn't rule, pick a winner or force a deal. Nothing binds you until you agree and sign.

2 IT STAYS IN THE ROOM.

What you say in mediation is confidential, within the limits the law sets. And what you tell the mediator privately stays private unless you say it can be shared.

3 NEUTRAL ISN'T PASSIVE.

A good mediator asks hard questions of both sides and tests every position. If it feels uncomfortable, that isn't a sign they've taken a side. The other room is hearing the same questions.

CHAPTER THREE

THE ROAD TO A SIGNED AGREEMENT.

Knowing every step ahead of time takes away most of the anxiety. Here is the whole road, from the first phone call to the final paperwork.



1 · SCHEDULE

Your attorney's office, or you, requests dates. A date is confirmed and both sides are told where and when.

2 · SIGN AND PAY

Both sides sign the agreement to mediate, which sets the ground rules and confidentiality. Fees are usually paid before the session.

3 · SCREENING

In family cases, each person completes a confidential screening for safety. Answers aren't shared with the other side.

4 · STATEMENTS

A few days before, each side sends the mediator a short, confidential summary and the key documents.

5 · THE SESSION

A half day or full day, in person or by video. Chapter 06 walks you through it hour by hour.

6 · MEMORANDUM

If you agree, the terms are written into a memorandum of understanding and signed before anyone leaves.

7 · FINAL PAPERS

Your attorney turns the memorandum into the final settlement agreement, decree or order.

GOOD TO KNOW

If you don't have an attorney, you can still mediate. Consider having one review the agreement before it becomes final.

04

CHAPTER FOUR · THE MOST IMPORTANT PAGES IN THIS GUIDE

THE PREPARATION WORKSHEET.

Answer these six questions in writing about a week before. Then talk them through with your attorney. People who do this walk in knowing exactly what they need and what their alternative is. That clarity is the single biggest advantage you can bring.

1 WHAT DO I TRULY NEED?

Not what I want. What I can't live without. Keep it short. Most people have two or three.

2 WHAT WOULD I LIKE, BUT COULD BEND ON?

This is where almost every agreement gets made.

3 WHAT COULD I LET GO OF?

Some things feel huge today and won't matter in a year.

4 WHAT DOES THE OTHER SIDE PROBABLY NEED?

Write it from their point of view, even if you disagree. Their real needs show you where the room to move is.

5 WHAT HAPPENS IF WE DON'T SETTLE?

Ask your attorney for three versions. This becomes your measuring stick for every offer you hear.

BEST REALISTIC	MOST LIKELY	WORST REALISTIC

And what would it cost to get there, in money, time and stress?

6 WHAT WOULD I TELL A FRIEND IN MY POSITION?

We're often wiser about other people's problems than our own.

THE PEOPLE WHO SETTLE WELL AREN'T THE TOUGHEST IN THE ROOM. THEY'RE THE CLEAREST.

When you know what matters to you and what your alternative is, you can say yes to a good offer quickly and no to a bad one calmly. Question five is the one most people skip. Don't.

CHAPTER FIVE

THE COUNTDOWN.

2 WEEKS	Put the date in your calendar and block the whole session. Ask your attorney for the document list and start gathering. Family cases: complete the screening. Start the worksheet.
1 WEEK	Review the worksheet with your attorney, especially question five, and ask what range of outcomes is realistic. Arrange child care, time off and travel. Make sure anyone who must approve a deal will be reachable all day.
3 DAYS	Finish the worksheet and reread your “need” list. Confirm the address or video link. For video, test your camera and connection and find a private room with a door.
THE NIGHT	Sleep. Skip the late-night texts to the other side. Remind yourself that you don’t have to agree to anything you can’t live with.
THE DAY	Eat a real breakfast. Arrive 15 minutes early, or log on 10 minutes early. Phone on silent, but with you.

WHAT TO BRING.

EVERYONE

Photo ID · your worksheet · notepad and pen · water and snacks · phone charger · any medication you’ll need · a sweater, because conference rooms run cold · something calm to read while you wait

FAMILY

The financial documents your attorney asked for · your work schedule · the children’s school calendar and activities · the personal property that matters to you

INSURANCE OR BUSINESS

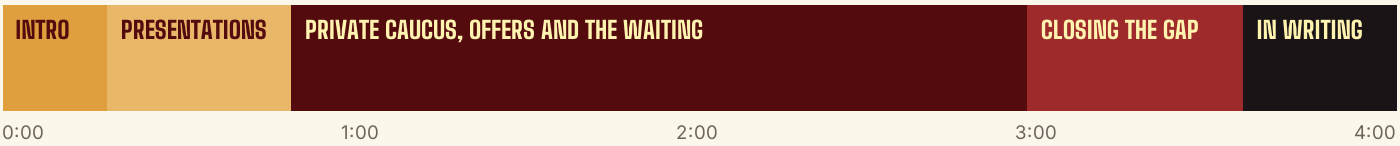
Policy, estimates, photos and letters by date · or the contract, key emails and invoices · the phone number of anyone who must approve

06

CHAPTER SIX

THE DAY, HOUR BY HOUR.

Every mediation is different, but most follow the same arc. Here's roughly how a four-hour session runs. A full day follows the same shape, with more time in the middle.



THE MEDIATOR INTRODUCTION

About 15 minutes. How the day will work, the ground rules, what stays confidential, and who needs to approve an agreement. Ask anything you like about the process.

PARTY PRESENTATIONS

Each side, usually through counsel, briefly explains where things stand. Listen to theirs like a weather report: you don't have to like it, but you need to know it. In high-conflict cases this is often skipped.

PRIVATE CAUCUS

Each side goes to its own room and the mediator moves between them. This is where most of the work happens. Speak openly. What you say stays in your room unless you allow it to be shared.

THE WAITING

You'll wait while the mediator is with the other side. It isn't wasted time. Talk with your attorney, reread your worksheet, take a walk. Long waits often mean the other side is seriously considering something.

CLOSING THE GAP

As the session goes on, the steps between offers get smaller and the talk turns to details. This is often when agreement comes together.

TERMS IN WRITING

The mediator writes the terms into a memorandum of understanding. Everyone reads it, and the parties and counsel sign before leaving.

CHAPTER SEVEN

HOW OFFERS REALLY MOVE.

The rhythm of offers confuses almost everyone the first time. Once you can see it, you can stay calm through it.

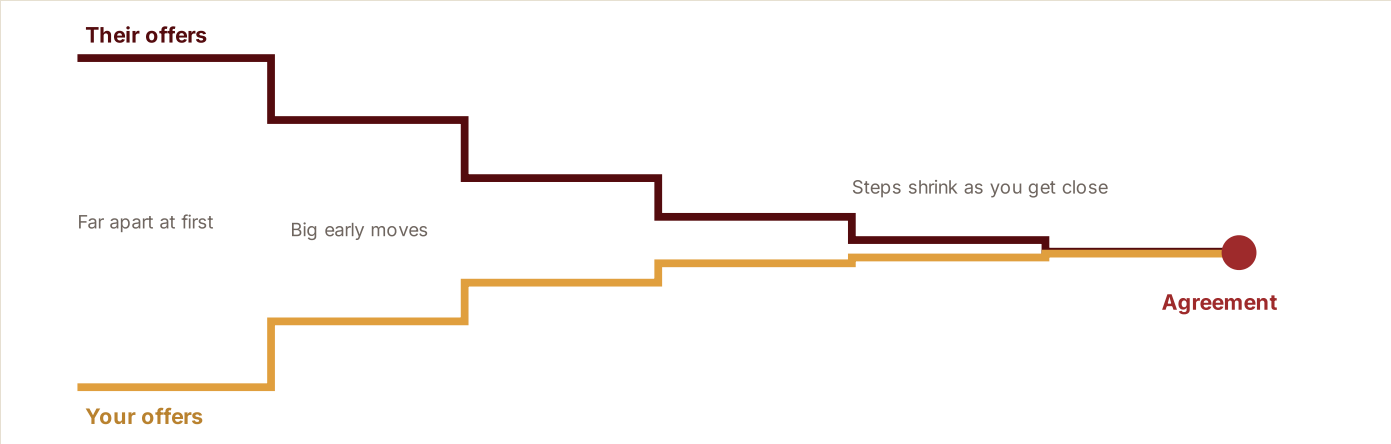


Illustration only. Every negotiation moves differently.

FIRST OFFERS ARE FAR APART

An offer that feels insulting is common, and it's rarely the final word. Don't walk out. Answer with your own number and your reasons.

STEPS START BIG, THEN SHRINK

When the moves get small, you're usually getting close to where the deal can land.

REASONS BEAT NUMBERS

"We can do this because…" moves people more than a bare figure. Give the other side something to understand, not just something to react to.

NOT EVERYTHING IS MONEY

Timing, payment plans, who keeps what, holidays, an apology. When numbers stall, other terms often unlock the deal.

Q5 Measure every offer against your answer to question five, not against what you hoped for. If an offer beats your likely outcome in court, once you count the cost, time and stress of getting there, it deserves serious thought.

CHAPTER EIGHT

WHAT TO SAY. WHAT TO AVOID.

PHRASES THAT HELP

“HELP ME UNDERSTAND WHAT’S BEHIND THAT NUMBER.”

“WHAT WOULD MAKE THAT WORK FOR THEM?”

“I COULD CONSIDER THAT IF…”

“I NEED A FEW MINUTES WITH MY ATTORNEY.”

“CAN WE SET THAT ASIDE AND COME BACK TO IT?”

HABITS THAT BACKFIRE

Ultimatums you aren’t ready to keep. Rehashing history that won’t change the outcome. Insults and sarcasm. Agreeing to something just to make the day end. If you catch yourself doing any of these, ask for a break. That’s what breaks are for.

TWO QUESTIONS FOR YOUR ATTORNEY

Before you accept or reject any offer, ask:

“IS THIS WITHIN THE REALISTIC RANGE?”
“WHAT AM I NOT SEEING?”

THE MOST UNDERRATED MOVE: LISTEN.

Let the other side finish, even when you disagree. People who feel heard move faster.

Repeat back what you heard before you answer: “So what matters most to you is…”

Silence is allowed. A pause after an offer isn’t weakness. It’s thinking.

CHAPTER NINE

WHEN IT GETS HARD.

Almost every mediation has a moment when it feels like it's falling apart. That moment is normal, and it often comes right before things move.

TAKE A BREAK

Any time, no reason needed.

NAME IT

"I'm angry" or "I'm tired" helps the mediator adjust.

SPLIT IT

Set the stuck issue aside. Settle what you can.

GO BACK

Reread your "need" list and question five.

ASK FOR TIME

Close at day's end? A short continuation can finish it.

If you ever feel unsafe or unable to speak freely, tell the mediator right away, privately.

BEFORE YOU SIGN.

The memorandum of understanding is the written record of what you agreed. Read every word, even when you're tired. Fixing a sentence now takes two minutes. Fixing it later can take months.

WHO does each thing?

WHAT exactly is being paid, transferred or done?

WHEN is each thing due?

WHAT IF a deadline is missed?

WHAT'S LEFT unresolved, and is it listed?

DOES IT MATCH what you understood you agreed to? Has your attorney confirmed it?

Signature

Date

CHAPTER TEN

AFTER MEDIATION.

IF YOU SETTLED

Your attorney prepares the final documents. Keep the signed memorandum safe and put every deadline in your calendar.

IF YOU SETTLED PART

The resolved issues are done. Only what's left goes forward, which often saves real time and money.

IF YOU DIDN'T

The case continues where it was. Many settle in the weeks after, because both sides now understand each other better.

Either way, plan something easy for that evening. Mediation is emotionally demanding, even when it goes well.

WORDS YOU'LL HEAR.

AGREEMENT TO MEDIATE

The ground rules, fees and confidentiality, signed before the session.

MEDIATOR INTRODUCTION

The opening minutes explaining how the day works.

PARTY PRESENTATIONS

Each side's short summary of where things stand.

JOINT SESSION

Time when everyone is in the same room.

CAUCUS

Private time between the mediator and one side.

SETTLEMENT AUTHORITY

The power to agree to a deal, such as an adjuster or business owner.

IMPASSE

A point where no one is moving. Usually temporary.

MEMORANDUM OF UNDERSTANDING

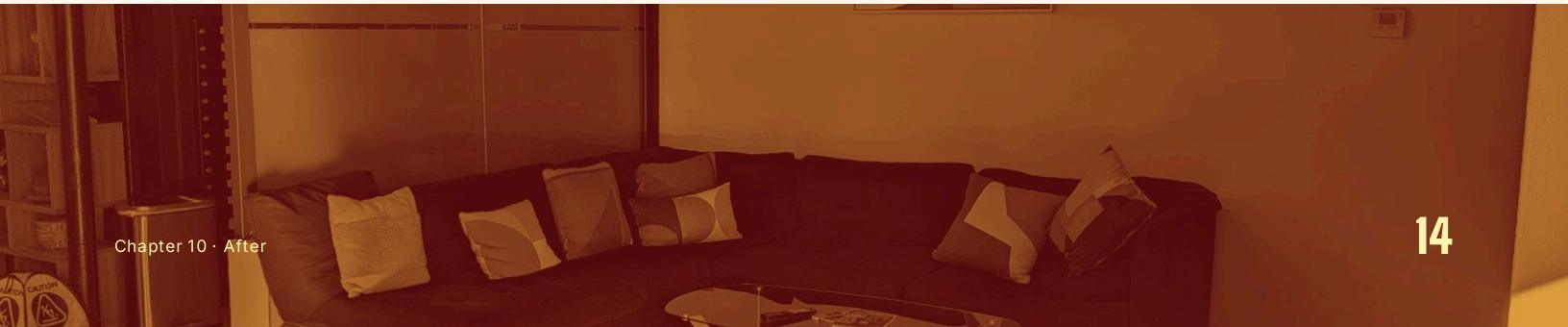
The signed summary of what was agreed.

SHUTTLE MEDIATION

A session where the parties stay in separate rooms the whole time.

ARBITRATION

A different process, where a neutral decides the outcome.



ONE LAST THING

YOU CAN DO THIS. AND YOU WON'T BE DOING IT ALONE.

I've sat with a great many people on some of the hardest days of their lives. The ones who walk out with agreements they're proud of aren't the loudest or the most stubborn. They're the ones who came prepared, stayed open, and kept their eyes on what matters most.



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HARD CASES. SETTLED.

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