

THE HARVARD MEDIATION PROGRAM

Frequently Asked Questions – Spring 2016

1. What is HMP?

The Harvard Mediation Program (HMP) is a student practice organization at the Harvard Law School that offers mediation services to the community at local courts and in other contexts through a facilitative, co-mediation model. HMP is part of the Harvard Negotiation and Mediation Clinical Program. HMP is an opportunity for HLS students to step out of the classroom, allowing its members to engage with and give back to the communities of the Greater Boston area. In addition to Harvard Law students, HMP is composed of staff as well as community members, including professionals and students from other universities. Most new mediators will mediate Small Claims court disputes.

2. What type of mediation do HMP mediators practice?

The Harvard Mediation Program (HMP) employs a facilitative, co-mediation model. This model is premised on three main principles: (1) the self-determination of the parties; (2) the informed consent of the parties; and (3) the neutrality of the mediators. We strive to help the parties create a process that best suits their dispute and enables them to reach a mutually agreeable solution. To that end, we, as mediators, do not endeavor to solve the parties' problem or impose on them solutions of our own making. Rather, we create a safe and neutral environment in which they can discuss their problem and hopefully reach resolution. Two HMP members mediate every dispute; thus, co-mediation skills are as important to our model as active listening and facilitation skills. All mediators with the program are required to adhere to this model.

3. What do I need to do to apply?

All applicants should fill out the application pertinent to them. We have three separate applications; one for first year HLS students, a second for HLS upper year and LLM students, and a third for community members. If you are a Harvard Law School student, you will be interviewed after we receive your application. If you are a community member, you may be interviewed. Please note that HMP is primarily a program for Harvard Law School students. There is a limited number of community member applicants that we can accept into the program each semester. Consequently, not all community members who apply will be interviewed and not all community members who are interviewed will be accepted. We will make decisions about all applicants after they interview.

4. What happens during interviews?

The one-hour interview will consist of a mediation role-play and a short discussion with a current member of HMP. In the role-play, you will be teamed up with another applicant as co-mediators; current HMP members, your interviewers, will play the roles of parties.

5. What are you looking for when interviewing HMP applicants?

We do not expect you to have any prior experience mediating. Rather, we are interested in your mediation intuition and response to feedback. One of the factors we will consider in evaluating applicants is your level of comfort with the facilitative model. The facilitative model places the responsibility for all brainstorming and decision-making on the parties themselves. We will also consider your interaction with your co-mediator, receptiveness to feedback, and commitment to HMP.

6. Can I apply to HMP again if I have previously applied?

Yes. HMP receives a large volume of applications every semester, and therefore cannot accept all applicants. However, applicants who are not accepted into the program are welcome to apply for the program in subsequent semesters.

7. If I am accepted, how can I engage in the program?

Basic Training – All Members

If you are accepted into HMP, you must attend the four training days held over two weekends. Spring semester 2016 training will be held the weekends of February 6-7 and February 20-21. You cannot mediate with HMP without the full 32 hours of training. No exceptions can be granted. We may be able to provide alternative training at an outside mediation organization for HLS student(s) if an HLS student applicant is unable to participate in training on these dates for religious observance reasons. The 32-hour training meets the statutory requirements for mediator confidentiality contained in MGL Chapter 233, Section 23C.

Mediation Commitment – All Members

Upon completion of training, mediators are required to mediate every other week for two full semesters. HMP members mediate under the supervision of a Court Liaison, who is an experienced mediator with HMP. Semesters do not have to be consecutive.

During the initial period, mediators are expected to mediate in their assigned court every other week. If they cannot appear in court, they are responsible for securing a replacement with the assistance of the Court Liaison if necessary. Mediators who fail to show up in court or notify their Court Liaison two times during a semester may be asked to give up their place on the mediation schedule. At the end of the two semesters, continued membership with HMP is subject to annual renewal to ensure the standards and principles of the program are maintained and availability of mediation opportunities for new trainees can be provided.

Regular De-brief and Feedback Sessions – All Members

HMP believes that mediation training extends beyond the basic training. To that end, we expect that you will be receptive to giving and receiving feedback from your Court Liaison and other mediators, both in your first semester with the program and beyond. One of the most effective tools for improvement is debriefing immediately following a mediation. During a debriefing, your Liaison and/or other mediators (mediation observers) have an opportunity to give you feedback and to suggest areas for improvement. New mediators are encouraged to ask their co-mediator, mediation observers, and Liaison for feedback after every mediation.

Coaching Commitment – All Members

A new mediator is expected to volunteer at least one time at the Basic Training that occurs the semester following his or her training. The new mediator can volunteer by observing and providing feedback as a coach for a small group of trainees during a simulated mediation role play. The new mediator will be paired with a more experienced mediator and Training Directors will provide preparatory materials and support. This modest time commitment will provide a way for new mediators to share their mediation knowledge and skills with a subsequent class of trainees. HMP encourages all members to participate in Basic Trainings beyond this minimum expectation.

Continuing Education Requirement – All Members

HMP requires all members to complete six hours of continuing education each year, beginning after their first year in the program. These hours can be met in a variety of ways, including coaching a role play at basic training and attending free HMP-sponsored programs. HMP members who fail to meet the continuing education requirement by the end of the year will no longer be considered members and will be ineligible to mediate through the program until completing the required six hours.

Office Hours – HLS Student Members Only

During their first semester in HMP, HLS student members are required to work in the HMP office for one hour every other week. Generally, students complete a total of three to four office hours, and are able to choose the times that work best for them. Office duties may include making follow-up phone calls to parties who have participated in the mediation process, compiling data on HMP, or helping with an HMP event. Office hours are intended to familiarize students with the workings of HMP, as well as better acquaint them with HMP staff and Board Members.

Pro Bono Requirement – HLS Student Members Only

Beginning in their first semester at HLS, all student members can receive pro bono credit for mediating, conducting office hours, coaching at basic training, and training at basic training thus allowing them to accrue hours toward the 50 hour pro bono requirement at HLS.

8. What additional opportunities are there for HMP members?

Mediating Beyond Two Semesters

As an organization based almost entirely on volunteers, HMP depends upon the ongoing interest and commitment of its members. We hope that if you are accepted into the program, you will maintain an active involvement with HMP to the extent possible beyond your first two semesters of mediation.

Board Membership

Harvard Law School student members can run for any position on the Board of Directors of HMP besides the Community Liaison position. Community members are eligible to run for the Community Liaison position on the Board of Directors. HMP elections are held each spring. Mediators are encouraged to speak to current Board Members about their experiences and to consider running for a position on the Board of Directors.

Beyond Small Claims

In addition to small claims mediation, HMP offers opportunities to mediate other disputes which include harassment prevention orders and landlord tenant (eviction) cases. Landlord tenant cases are mediated in the Chelsea District Court. HMP members can participate in a primer on mediating harassment prevention order (HPO) cases and subsequently observe and co-mediate these contentious cases. Other activities sponsored by HMP in the past include an Alternative Dispute Resolution (“ADR”) Career Panel, and presentations from ADR practitioners on a variety of mediation related subjects.

Training Corps Membership

All HMP members are encouraged to apply for membership in the Training Corps. Training Corps members are responsible for teaching all of the training modules at HMP Basic Training. Training Corps members interact with trainees and use their experiences to groom the next generation of mediators. The Training Corps provides members with the opportunity to become more involved with HMP and to undertake a leadership role in the organization.

9. Does HMP cost money to join?

HMP is free to Harvard Law School students. HMP charges a training fee of \$600 to community members in order to cover some costs. Community members who are full-time students at an accredited educational institution are charged a fee of \$300 provided they provide documentation of their full-time status to HMP Program Manager Mo Griffin (mgriffin@law.harvard.edu). Community members who are staff at Harvard Law School are not charged training fees, but must provide documentation of their staff status to HMP Program Manager Mo Griffin (mgriffin@law.harvard.edu).