**THE HARVARD MEDIATION PROGRAM**

**Frequently Asked Questions – Fall 2018**

1. What is HMP?

The Harvard Mediation Program (HMP) is a student practice organization at Harvard Law School (HLS) 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 HLS 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 meaning that a cooperative mindset is as important to our model as active listening and facilitative questioning. 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 HLS 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 HLS 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? Do I need to prepare?**

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. Please do not stress out about this ahead of time! You will receive all the instruction you need to succeed during your interview itself, so no prior preparation is necessary.

**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. 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. Fall 2018 training will be held on the weekends of September 29 & 30 and October 13 & 14. 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/observe in their assigned court for a minimum total of three times during their first semester, and five times during any subsequent semester in which they are an active HMP member. Semesters do not need to be consecutive. (Note: Limited exceptions may be made for HLS students who are graduating in the semester that they apply for training.) HMP members mediate under the supervision of a Court Liaison, who is an experienced mediator with HMP.

Mediators must give their Court Liaison 48-hour notice if they cannot appear in court on a day they have indicated they are available to mediate, and if they fail to do so two times during a semester they 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 in accordance with “HMP Policy: Membership” to ensure the standards and principles of the program are maintained and availability of mediation opportunities for new trainees can be provided.

Regular Debrief 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 debrief, 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**

Over the course of their first two semesters in HMP, HLS student members may be asked to work in the HMP office for no more than a total of five hours. Office hours are assigned on an as-needed basis, and students will generally be able to choose the times that work best for them. Office hour 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. They are also a great opportunity for students to learn by hearing feedback from real mediation parties and to practice their active listening skills.

**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.

**Pro Bono Requirement for New York Bar – HLS Student Members Only**

If you are applying to the New York Bar and are considering the possibility of using time volunteering with HMP to fulfill the New York pro bono requirement, you must discuss this with HMP staff in advance, before you are assigned to a court. Without advance notice, HMP is not able to provide the affidavits that NY requires. Please visit <http://hls.harvard.edu/dept/clinical/pro-bono-graduation-requirement-2/new-york-bar-pro-bono-admission-requirement/> for more information.

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**

HLS 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, landlord tenant (eviction) cases and ad hoc cases (e.g., tenant-tenant disputes) when they are referred to HMP. Other activities sponsored by HMP include an Alternative Dispute Resolution (“ADR”) Career Panel, and presentations from ADR practitioners on 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 Corp members receive training in facilitation prior to 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 HLS 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 HLS are exempt from training fees but must provide documentation of their staff status to HMP Program Manager Mo Griffin (mgriffin@law.harvard.edu).