



Introduction to Mediation 6 Module Program

Module 4: Mediating Elder and Estate Matters

Course Content & Overview

Course Content:

- Assignments:
 - Recorded Lecture 1
 - Nature of conflict and conflict management theory and principles
 - Clarify how the mediation session will be conducted and settlement effected and identify what parties and experts will be involved and exploring client interests and concerns effectively for facts, issues, and perceptions
 - Encouraging opportunities for recognition and ensuring all parties have an opportunity to participate in the process
 - Questioning using succinct questions to clarify issues
 - Ensuring parties; ability to negotiate for themselves
 - Correspondence with multiple parties
 - Recorded Lecture 2
 - Nature of conflict and conflict management theory and principles
 - Recording and retaining data
 - Empowering parties and preserving parties' autonomy in decision-making, and allow all parties to make objections and respond fully to objections
 - Clarifying
 - Assisting parties to identify and evaluate alternatives to a negotiated agreement (BATNA)
 - Recognizing responsibilities to non-present parties
 - Billing estates
 - Reading Materials to accompany Lecture 1
 - Exploring the Role of Elder Mediation in the Prevention of Elder Abuse, by Justice Canada
 - Eldercare Mediation: Setting Families up for Success, by Kathleen Kauth
 - Elder Mediation, by Georgia Daniels
 - Elder and Guardianship Mediation, by The Canadian Centre for Elder Law
 - Elder Mediation in Theory and Practice: Study Results from a National Caregiver Mediation Demonstration Project, by Alexandra Crampton

- Reading Material to accompany Lecture 2
 - Conflict Theory and Management – Excerpts from Choices in Approaching Conflict
 - Effective Alternatives Analysis in Mediation BATNA/WATNA – Analysis Demystified
 - Types of Questions and Clarifying Questions
 - Supplemental Reading for Module 4 Document by CSM Academy
 - Mediating Family Property and Estate Conflicts: Keeping the Peace and Preserving Family Wealth, by Jay Folberg
 - Why are you and your sibling fighting over your parents' house? By Kamela Laird
 - The use of mediation in estate planning: A pre-emptive strike against potential litigation, by John Gromala
 - Mediation in estate planning: A strategy for everyone's benefit, by David Gage and John Gromala
- Audio/Visual Materials to accompany Lecture 1
 - We need to talk: Elder Mediation, by Staying Put or Moving On
 - Elder Mediation, by Mediation and Training
 - Elder Mediation in Ontario, by Sally Morgan
 - Elder Mediation, Victoria BC, by Lori Frank
- Audio/Visual Materials to accompany Lecture 2
 - Estate Mediation, by Educaloi
 - Mediation Works: Estate Mediation with Colleen Cattell, QC., by GoReClinic
 - This is Where I Leave You, Shiva Chairs, Warner Bros. Entertainment, by Warner Bros.
- Essay Assignment to accompany Lecture 1
 - What are the benefits of elder mediation? What are the drawbacks? Can you think of a situation where elder mediation might be successful? What about a situation where you feel elder mediation might not be successful?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Essay Assignment to accompany Lecture 2
 - In the clip from the movie "This is Where I Leave You", the siblings are negotiating and the mother steps in and speaks of her husband's, their father's, dying wish. If his situation were more escalated and required mediation, what are some of the interests that might be at play in this situation? Imagine you are the mediator for this family. What do you imagine might be their goal statement?
 - 500 – 1,000 Words, 3 References, and post to the course's Slack channel
- Reflective Journal Video to accompany Lecture 1

- Record a 5-minute video of reflecting upon first section of learning materials
- Reflective Journal Video to accompany Lecture 2
 - Record a 5-minute video of reflecting upon second section of learning materials
- 1 Hour Roleplay Video Assignment
 - Using the Roleplay materials within the course, use some volunteers to practice the mediation process, recording it as a video.
 - Post to the course's Slack channel
- Written Reflective Journal
 - Write your reflections about the entirety of the course
 - Approximately 500 words and post to the course's Slack channel