

My Mediation Philosophy and Style
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I have practiced as a full-time mediator for over two decades. In my experience, there is no one single approach that is appropriate or effective for a mediator to use all of the time in every case. Many conflicts require various different interventions over the course of the mediation of a dispute. Effective mediators must use different styles of intervention based on the needs of the parties, as disputants often need more than process assistance from a mediator. They frequently need understanding, engagement, creativity, strength, wisdom, strategic thinking, confrontation, patience, encouragement, humor, courage, and a host of other qualities that are not simply about process, including advice about substance. I work to provide such qualities in every engagement in which I am the mediator.

I am a merits based mediator. Based on my professional judgment about how I can most effectively help the parties, I am prepared to express views during the mediation about both process *and* substance, albeit with discretion and in a manner designed to preserve my neutrality. In complex cases such as I generally mediate, parties expect the mediator to be familiar with the issues under discussion and for the mediator to be actively engaged in negotiations. Based on my experience in complex multi-party meetings where the parties are seeking consensus-based solutions, parties expect – and deserve -- much more from the mediator than simply process or meeting management.

While I do not claim expertise or independent scientific knowledge about the technical issues common in many of these matters, I bring my own common sense and past experience mediating complex technically challenging cases. I can understand the issues, implications of different technical approaches, legal issues, parties' interests, and the like.

If a party is unable to explain an issue to me with enough detail to enable me to comprehend its implications, the party will in all likelihood have a difficult time articulating its position or interest to other parties to the dispute. So I work with parties, sometimes even privately coaching parties to express views and arguments in a manner that is most likely to elicit understanding and openings to areas of agreement.

Parties also expect a deep understanding of how governments and large bureaucracies work, how policies are developed and implemented, how decisions are made within governments, private companies, tribes and volunteer organizations, and the pressures and factors that influence how parties weigh options.

I have worked for a local elected official – the Mayor of the City of Detroit, as chief house counsel of a federal agency – the Federal Mediation and Conciliation Service, and as chief of Congressional Liaison for a major cabinet department – the (then) Department of Health, Education and Welfare. Many of the cases I have mediated have involved high profile, politically sensitive legal and technically challenging disputes between governments and among governments and private parties. Such cases require knowledge about organizational cultures and how 'political' and other influences can affect parties' views and interests.