

MEDIATION TOOLKIT – COBA PRESENTATION NOVEMBER 4, 2010, TORONTO CANADA

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Working Topic:

Does an emphasis on performance management impact on the integrity, reputation, and quality of tribunal and agency mediation processes?

WORKSHOP COMPONENT – DESCRIPTION TO ACCOMPANY EXERCISE AND POWER POINT PRESENTATION

INSTRUCTIONS AND DESCRIPTION ON THE USE – SIX THINKING HATS

Edward de Bono believed that the key to the successful use of the Six Thinking Hats methodology was the deliberate focusing of the discussion on a particular approach as needed during the meeting or collaboration session. Because everyone is focused on a particular approach at any one time, the group tends to be more collaborative than if one person is reacting emotionally (Red hat) while another person is trying to be objective (White hat) and still another person is being critical of the points which emerge from the discussion (Black hat).

For this workshop we are going to focus on mediations in the tribunal, board, agency, context as opposed to the court or private mediation context. I am going to use the term “tribunal” as a generic reference to all agencies, boards and tribunals. Specifically, we are going to explore the issue of performance measures and management with a goal of arriving at an acceptable and defensible model and/or acceptable operating set of criteria to manage and measure performance. The time available to us is limited so this will be a fast-paced exercise. The Six Thinking Hats method could be used to develop a more tailored approach at your respective and particular tribunals.

Today the sequence we are going to use is to first of all explore the problem, posed as a theory or proposition, then develop a set of ideas or solutions, and to finally choose or create a working or provisional solution through critical examination of the solution set, if time permits.

So we will start with everyone assuming the

1. **Blue** hat to discuss how the meeting will be conducted and to develop the goals and objectives. There are 6 hats and we have about 30 minutes for this exercise which gives us no more than 5 minutes per hat.
 - The working topic is how do you develop a performance or results based mediation program that gets cases “closed” (settled or resolved), with durable and implementable solutions that are in or respect the public interest mandate of tribunals?
2. **White** hat thinking – what information is needed or needs to be developed to explore the “working topic”?
3. Move to the **Red** hat thinking to collect opinions and reactions to the proposition. Focus on how the proposition makes you feel: apprehensive, scared, offended, curious, happy, intrigued? Are there constraints that need to be considered i.e. Who will be affected by the proposition (problem) and/or solutions?
4. **Black** hat thinking to develop criticisms of the solution set.
5. Next move to the **Yellow** hat – focus on the positives, opportunities, benefits, rewards.
6. Next to the **Green** hat in order to generate ideas and possible solutions – time to let your creativity flow – grow new ideas.
7. Return to **Blue** hat to summarize and discuss action items – how to implement the solutions.
8. Appreciate that there will be overlap in answers/reactions to the individual hats.