

Glossary of Mediation & ADR Terms: A Complete Guide to Conflict Resolution Terminology

Introduction

If you are new to mediation or Alternative Dispute Resolution (ADR), you may come across legal and professional terms that are unfamiliar. Understanding these terms can help you participate more confidently in the mediation process and make informed decisions about resolving disputes.

This glossary explains common mediation and ADR terminology in clear, practical language. Whether you are a client, business owner, family member, employer, employee, student, or legal professional, this guide will help you better understand the language of conflict resolution.

A

Active Listening

A communication skill in which a person gives full attention to the speaker, seeks to understand their message, asks clarifying questions, and responds thoughtfully. Active listening is one of the most important skills used during mediation.

Agreement

A mutually accepted resolution reached by the parties during mediation. Depending on the circumstances, the agreement may be written, signed, and formalized.

Alternative Dispute Resolution (ADR)

A collective term describing methods of resolving disputes without relying solely on court litigation. ADR includes mediation, negotiation, conciliation, arbitration, and other collaborative processes.

Arbitration

A dispute resolution process in which an independent arbitrator hears evidence from the parties and makes a decision that may be legally binding, depending on the applicable law and the parties' agreement.

B

BATNA (Best Alternative to a Negotiated Agreement)

The best option available to a party if negotiations or mediation do not result in an agreement. Understanding your BATNA helps you negotiate more effectively.

Binding Agreement

An agreement that is legally enforceable once it has been properly documented and formalized in accordance with the applicable law.

Brainstorming

A problem-solving technique used during mediation where parties generate multiple possible solutions before deciding which option best meets their needs.

C

Caucus (Private Session)

A confidential meeting between the mediator and one party during mediation. Separate meetings may help clarify concerns, explore settlement options, or address sensitive issues.

Commercial Mediation

Mediation involving business-related disputes such as contract disagreements, partnership conflicts, supplier disputes, debt recovery, or commercial transactions.

Community Mediation

A mediation process designed to resolve disputes between neighbours, community groups, local organizations, or residents while promoting peaceful coexistence.

Confidentiality

One of the core principles of mediation. Information shared during mediation is generally kept private unless disclosure is required by law or agreed by the parties.

Conflict Coaching

A professional service that helps individuals improve their communication, negotiation, emotional intelligence, and conflict management skills before, during, or after a dispute.

Conflict Resolution

The process of addressing disagreements in ways that reduce tension, improve understanding, and achieve practical solutions.

Consensus

A decision reached through mutual agreement rather than majority vote or imposed authority.

D

Dialogue

A respectful conversation intended to improve understanding rather than assign blame or determine a winner.

Dispute

A disagreement between two or more individuals, organizations, businesses, or communities requiring resolution.

E

Emotional Intelligence

The ability to recognize, understand, manage, and appropriately respond to one's own emotions and those of others. Emotional intelligence is an essential skill in mediation and negotiation.

Empathy

The ability to understand another person's feelings, experiences, and perspectives without necessarily agreeing with them.

F

Facilitation

The process through which a mediator guides discussions, encourages communication, and assists parties in exploring solutions without making decisions for them.

Family Mediation

Mediation involving family-related issues such as divorce, separation, parenting arrangements, inheritance disputes, succession matters, or caregiving responsibilities.

Good Faith

Honest participation in mediation with a genuine willingness to communicate, negotiate, and explore possible solutions.

I

Impartiality

The mediator's obligation to remain neutral, avoid favouritism, and treat all parties fairly throughout the mediation process.

Interests

The underlying needs, concerns, motivations, or priorities that explain why a party holds a particular position. Mediation focuses on interests rather than rigid demands.

L

Litigation

The formal legal process through which disputes are resolved in court before a judge or other judicial authority.

M

Mediation

A voluntary, confidential, and structured process in which an independent mediator helps parties communicate, negotiate, and develop mutually acceptable solutions.

Mediator

An independent and impartial professional who facilitates discussions between parties but does not impose decisions or determine who is right or wrong.

Mediation Agreement

A document outlining the terms and conditions accepted by the parties at the conclusion of a successful mediation.

Mutual Gain

A solution that benefits all parties rather than creating winners and losers.

N

Negotiation

A process in which parties communicate directly to resolve disagreements and reach mutually acceptable agreements without third-party decision-making.

Neutrality

The mediator's commitment to avoiding bias and ensuring equal treatment of all participants.

O

Online Mediation

A mediation process conducted through secure virtual meeting platforms, allowing parties in different locations to participate remotely.

P

Party

Any individual, organization, business, institution, or group participating in mediation.

Position

A specific demand or stated outcome that a party initially seeks during negotiations.

Private Session

See **Caucus**.

Procedural Fairness

Ensuring that every participant has an equal opportunity to be heard, ask questions, express concerns, and participate fully in the mediation process.

R

Resolution

The successful settlement of a dispute through agreement or another appropriate dispute resolution process.

Relationship Preservation

One of mediation's primary objectives—maintaining or improving relationships wherever possible while resolving disputes.

S

Self-Determination

A fundamental principle of mediation under which the parties—not the mediator—make all final decisions regarding any settlement.

Settlement

A mutually agreed resolution of the issues in dispute.

Shuttle Mediation

A mediation process where the mediator moves between parties who remain in separate rooms or virtual meeting spaces, facilitating communication without requiring direct interaction.

V

Voluntary Participation

Participation based on the free choice of the parties rather than coercion. Parties generally remain free to withdraw from mediation unless otherwise provided by law or agreement.

W

Win-Win Solution

A mutually beneficial outcome where all parties have their important interests addressed, even if each makes reasonable compromises.

Why Understanding These Terms Matters

Learning the language of mediation helps you:

- Participate confidently in mediation.
- Communicate more effectively.
- Understand your rights and responsibilities.
- Make informed decisions.
- Reduce misunderstandings.
- Improve negotiation outcomes.
- Build stronger relationships.

Whether you are resolving a family disagreement, workplace conflict, commercial dispute, land issue, or community matter, understanding these concepts will help you engage more effectively in the mediation process.

Learn More About Professional Mediation

If you are considering mediation or would like guidance on resolving a dispute, **Geoffrey Musera, CPM – Certified Professional Mediator | Conflict Resolution Practitioner** is available to assist.

With over five years of experience in conflict resolution and Alternative Dispute Resolution (ADR), Geoffrey provides confidential, impartial, and professional mediation services tailored to individuals, families, businesses, organizations, institutions, and communities.

Contact today to schedule a confidential consultation and discover how mediation can help you resolve disputes constructively, preserve relationships, and move forward with confidence.