

1 DAY INTRODUCTION TO MEDIATION

Presented by


Ms Indrani Govender

1 Day Workshop 



Traditional methods for resolving disputes






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Conventional methods for resolving disputes





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A way to resolve disputes, which is

- Voluntary
- Flexible
- Confidential
- Without prejudice
- Facilitated by a neutral
- Parties control the outcome



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Who uses mediation?

- Family
- Commercial
- Community
- Work place
- International relations
- Planning
- Construction industry
- Actually, any civil dispute can use mediation.....



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- Fair and transparent
- Quick and informal
- Able to deal with issues (which courts cannot)
- Economically viable
- Able to maintain relationships
- Able to deal with emotive issues
- Adaptable



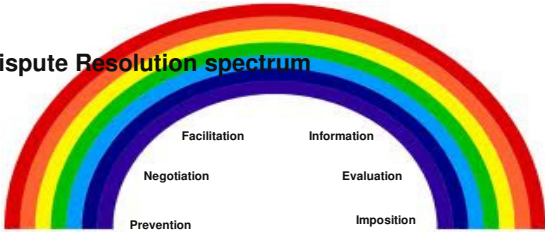
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- Voluntary
- Confidential
- Non binding
- Without prejudice





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Dispute Resolution spectrum




Mediation can play a part in all of these elements






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- Releases pressure off "wired" people
- Moves from entrenchment to forward planning
- Mediator acts as catalyst
- Safe forum to explore people's needs
- Is flexible not "rule bound"
- Active listening
- Reality checking
- Gets innovative solutions






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- Relentlessly neutral
- Non-judgmental
- Avoids assumptions
- Empathetic
- Actively listens
- Is discreet
- Knows when to listen, speak, be discreet
- Is respectful
- Has patience
- Is tenacious

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- Leaving offers open
- Narrowing the issues
- Returning to litigation
- Mediation is "without prejudice"
- Leaving return to mediation open
- Paying for the mediation
- Litigation costs

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Pre-Mediation (Before the Mediation)

Day of Mediation

Joint Session	Mediation's opening statement Parties' opening statement	
1 st Private Session	Building rapport & extracting a comprehensive narrative Exploring and analysing the dispute	} Reality Testing BATNA WATNA
2 nd Private Session	Generating options for settlement and negotiating	
3 rd Private Session	Bargaining and choosing options For settlement	
	Finalising an agreement or confirming deadlock	




Mediation 

Neighbour disputes - new service launch for 2011