

1 DAY INTRODUCTION TO MEDIATION

Presented by

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Traditional methods for resolving disputes



Conventional methods for resolving disputes



A way to resolve disputes,
which is

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



1 Day Workshop

Who uses mediation?

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



1 Day Workshop

- 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

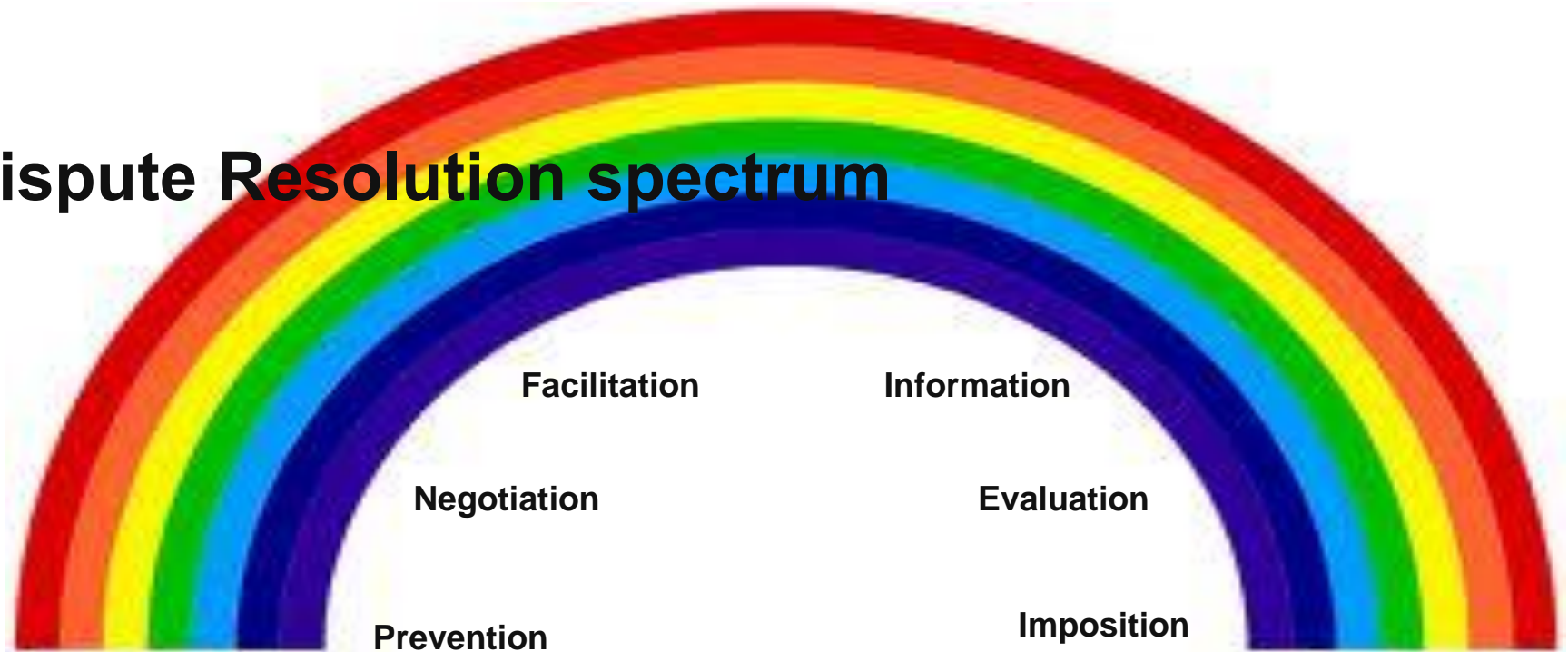


1 Day Workshop

- Voluntary
- Confidential
- Non binding
- Without prejudice



Dispute Resolution spectrum



Mediation can play a part in all of these elements



1 Day Workshop

- 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



1 Day Workshop

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



1 Day Workshop

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



1 Day Workshop

Pre-Mediation (Before the Mediation)

Day of Mediation

Joint Session

Mediation's opening statement

Parties' opening statement

1st Private Session

Building rapport & extracting a comprehensive narrative
Exploring and analysing the dispute

2nd Private Session

Generating options for settlement
and negotiating

3rd Private Session

Bargaining and choosing options
For settlement



Reality Testing
BATNA
WATNA

Finalising an agreement or confirming deadlock



Mediation

Neighbour disputes - new service launch for 2011

