1 DAY INTRODUCTION TO MEDIATION

Presented by

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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

Who uses mediation?

• Family
• Commercial
• Community
• Workplace
• International relations
• Planning
• Construction industry
• Actually, any civil dispute can use mediation....

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Who uses mediation?

• 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

Mediation can play a part in all of these elements

Dispute Resolution spectrum

- Facilitation
- Negotiation
- Information
- Prevention
- Evaluation
- Imposition

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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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<table>
<thead>
<tr>
<th>Pre-Mediation (Before the Mediation)</th>
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<tbody>
<tr>
<td><strong>Day of Mediation</strong></td>
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<tr>
<td>Joint Session</td>
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<tr>
<td>Mediation’s opening statement</td>
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<tr>
<td>1st Private Session</td>
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<tr>
<td>Building rapport &amp; extracting a comprehensive narrative</td>
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<tr>
<td>Exploring and analysing the dispute</td>
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<td>2nd Private Session</td>
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<tr>
<td>Generating options for settlement and negotiating</td>
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<tr>
<td>Reality Testing</td>
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<td>BATNA</td>
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<td>WATNA</td>
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<tr>
<td>3rd Private Session</td>
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<td>Bargaining and choosing options For settlement</td>
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<td>Finalising an agreement or confirming deadlock</td>
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</tbody>
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SUCCESS

FAILURE
Mediation

Neighbour disputes - new service launch for 2011