

Kluwer Mediation Blog

Writing the mediation agreement: Extend Desktop to TV and everyone will be on board

Constantin-Adi Gavrilă (ADR Center Romania) · Wednesday, October 19th, 2011

At their third mediation meeting, the parties reached an agreement in a dispute between family members over family property. The parties also seemed to settle older personal issues that apparently had nothing to do with the case.

With the feeling that both the relationship and the outcome issues were resolved, six parties and their lawyers started to think about a suitable process that will put their verbal agreement into writing. The written agreement was needed the next day in the court.

We all felt a positive atmosphere in the mediation room. I asked them how would they want to proceed and at request I offered them examples of different strategies in similar cases. It was mutually agreed that I should type the agreement on my notebook in a joint session.

The difficulty was that, even though ground rules for this stage were solicited, proposed and accepted by the parties, everyone felt like speaking at the same time about the most appropriate phraseology regarding different parts of the agreement. A couple of people have stood up and came to look at the notebook's display. Some weren't happy about this.

It looked that not all the personal issues were resolved between the parties. Instantly, it was not the same atmosphere in the room; the trust was not there anymore between all the parties and their lawyers. Also, separate sessions didn't look interesting for them.

The accepted solution that worked just fine and enabled the successful completion of having a signed mediation agreement was connecting the notebook to the wide screen TV so that everybody could 100% see what was being written. Moreover, they started to really collaborate and add value to phrases that were concerning other parties. In the end, apologies were expressed and the agreement was presented in the court.

This experience offered me two old lessons.

The first one is "be prepared": if we look over the notebook/TV connection example (that, by the way, presents an excellent quality image on the TV if a HDMI cable is used) we see that all our preparations are designed to prevent, to detect and to resolve difficulties that might not even come up. However, if they do and we're prepared, more loyal clients will be added to our clients list.

The second lesson is „keep it simple”: sometimes we look for complicated approaches to what it

seems to be complex for us, while an honest look, a sincere smile and a moment of silence can take us to the very core of the difficulty and the key will be offered, as always, by the parties.

So, be prepared and keep it simple.


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The graphic features a black background with white text and a circular icon. The icon depicts a group of stylized human figures, with one figure in the center being magnified by a magnifying glass. The background is accented with horizontal lines in blue and green.

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