
Kluwer Mediation Blog

A plead for effective preparation of the mediation process

Constantin-Adi Gavrilă (ADR Center Romania) · Wednesday, January 18th, 2012

Regardless if the reader is a practicing mediator, an attorney, a user or an academic, the preparation stage of mediation should be of interest and viewed as being vital for a successful mediation.

There's simply too much to retrieve if a mediation is not properly prepared and it's up to the mediator to make sure beforehand that all the participants are identified, involved in, discussed with and aware of the general advantages of the mediation and of the specific design of a process.

This is to remind you that many (if not most) difficulties that can occur during mediation can be overcome by thorough preparation with all the parties, their attorneys and sometimes other stakeholders of the case.

The best mediation agreements are designed by the parties in order to jointly meet their needs and interests and almost every time the lawyers and their clients are the source of that particular creative mindset, quintessential to resolve a dispute. Through his or her "way of being", it is up to the mediator to stimulate and inspire that creativity even from the pre-mediation stage.

Many mediators are sharing template preparation documents with their clients, sometimes on their websites, in order to effectively prepare for a mediation session. These documents differ from mediator to mediator and from case to case from simple bullet lists to fully effective complex mapping documents that require a lot of time to be understood and worked with.

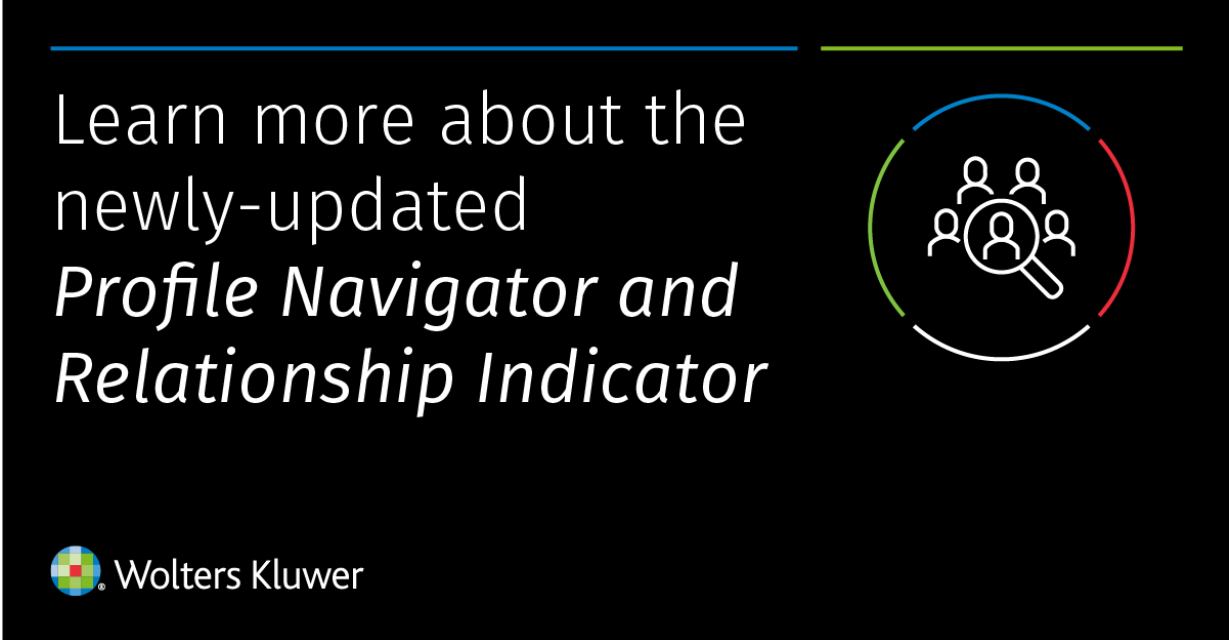
As recent studies are showing that cases are much more likely to settle in mediation if a client is fully prepared, the use of thorough preparation stages is more and more professionalized at the high end of the practice and this should encourage and progress thinking among all mediators, attorneys and educators, regardless their level of experience.

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