

Kluwer Mediation Blog

The Claims We Make

Geoff Sharp (Brick Court Chambers / Clifton Chambers) · Wednesday, November 7th, 2012

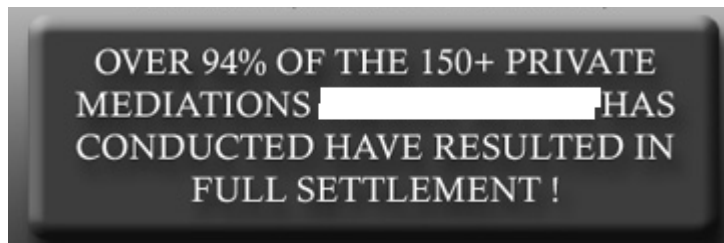
We mediators need to market our wares, just like the fruiterer at my local Sunday Farmers' Market when he calls out prices from behind his stall.

Increasingly some mediators are choosing to do this by the numbers – advertising how many mediations they have completed and what level of success they have achieved.

For instance, this note appeared at the end of a published mediation article recently describing the author as having ;

“... mediated over 500 disputes of all descriptions... involving more than 2,500 hours of mediation, achieving a documented 93 per cent settlement rate”

Mediator websites are also rife with claims like this one...



And this type of online promotion is common place;

“He has been involved as a mediator in more than 1,900 mediations, with over 15,000 participants”

“Unmatched experience in the field of mediation... Successfully mediated over 1,600 cases in over 18 years as a full-time mediator”

One mediator even goes further and provides detail of each and every mediation conducted;

No	Nature of Mediation	No of Parties	Subject Matter	Duration (hours)	Outcome
1	Commercial	2	Business Agreement	5	Settled
2	Building Dispute	4	Cladding on new house	9	Settled
3	Commercial	3	Sale of manufacturing bi-product causing environmental alert	7	Settled
4	Church dispute	10	Control of church buildings	8	Settled
5	Neighbours / Environmental	2	Land locked land	6	Settled
6	Professional fees	2	How much due	3	Settled
7	De facto property	2	Constructive trust	4	Settled
8	Community dispute	12	Control of communal house	9	Not settled
9	Commercial	2	Restraint of trade/stock inventory	9	Settled
10	Matrimonial property	2	Continuation of joint business immediate post separation	3	Settled
11	Dispute over will	2	Between children	8	Settled

Do these claims help end users make informed decisions about the mediators they wish to work with? How can they be verified – is that even important? What is success anyway? Is this how we mediators want to be measured?

Signed; *Confused of Wellington, NZ*

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