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# Kluwer Mediation Blog

## Giving Lawyers an Insider's View

Andrea Maia (Mediar360 – Dispute Resolution ) · Friday, July 26th, 2013

A lot has been said about how to spread the mediation culture in Brazil. Undoubtedly, it is critical to improve the awareness of mediation as a useful tool in dispute resolution, targeting potential users and clients especially. These are the people who will select and recommend mediation to solve disputes and lawyers are probably the key players among these potential users.

Lawyers are trained in skills and strategies that are most effective in the courtroom. Mediation, on the other hand, requires a change in mindset from adversarial proceedings because the objective is different. To take advantage of the benefits of mediation, litigators must acquire a new set of “mediation advocacy” skills.

In order to facilitate this change, the Brazilian Bar Association – Rio de Janeiro Section – launched a [Mediation Center](#) in 2011.

The main focus of the Center is to offer mediation for lawyers and internships as parties in a dispute . The disputes may be between lawyers and lawyers, lawyers and judges, lawyers and internships or lawyers and clients. Nevertheless, the Center also offers its services to the general public.

It is a creative opportunity to show the benefits of mediation to those who will be sitting at the table negotiating or participating in mediation. Living the experience can be very encouraging and a good proof that mediation can be effective.

Most cases dealt with in the Center involve disputes between lawyers, some of them between partners in law firms. It is important to notice that, according to the feedback of the parties involved in these proceedings, 90% would use mediation again and 90% would also recommend the tool to others.

This experience may give lawyers an insider's view of the process and valuable insights to pass on to their clients.

Experiencing the mediation process themselves, realizing what mediation can offer them, and gaining insight on how mediation can make a difference represent a valuable opportunity for lawyers, who are not used to this collaborative process. It will change a paradigm and these lawyers will become more interested in this problem solving approach.

Three important points may be highlighted:

1. **Becoming more effective negotiators** – A good mediator professional may turn the parties into more effective negotiators and meet their underlying interests.
2. **Learning reality testing** – Mediators bring reality testing to the negotiating table along with the ability to guide parties through risk analysis. That can make settlement seem far more attractive than the other alternatives and bring out more sustainable solutions.
3. **Looking to overcome barriers to agreement** – Seeking out and addressing issues that are preventing parties from reaching resolution is an intrinsic and invaluable tool in the mediation process.

With the growth of the dispute industry, it may be important to lawyers to realise that mediation can not only provide a competitive edge, but also offer additional benefits to their clients and be a very helpful tool, depending on the kind of dispute. Even when litigation is advisable, mediation can add value to the process, clearing out some issues and reducing emotional impasses.

In short, for lawyers, mediation may be an effective alternative to litigation.

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