

# To bring work loads **down** and quality **up** in dispute resolution

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- Attorney at Law
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- Court appointed mediator
- Dissertation on the dialogues in mediation (spring 2014)

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# The aim

1. Providing better service
2. Bringing down work loads
3. Avoiding conflict between 1 and 2
4. Different efficiency criteria  
(so what is efficiency?)
5. Better public experience of judiciary
6. Encourage parties to take responsibility for interpersonal disputes

# How to get parties and attorneys interested?

- Identifying cases *not* suitable for mediation
- Personal contact with parties / attorneys
- Personal contact requires experience in mediation
- Personal contact requires communication skills

# Quality

- Quality of the mediation process required
- Provide processes that meet the needs and characteristics of the parties
- Mastering a variety of styles mandatory
- Parties should not feel any strain
- Better public experience of judiciary

# Meet the parties' needs and characteristics

- Characteristics:
  - Way of communication and listening
  - Way of world view
  - Level of empathetic process
- Parties should never feel any strain
  - The mediator must refrain from any kind of duress
- The mediator must be able to perform affective, cognitive, modern and postmodern processes alike

The mediator must be able to perform affective, cognitive, modern and postmodern processes

- Generic mediation
- Systemic cognitive mediation
- Transformative mediation
- Narrative mediation

# Generic mediation

1. Generation data (emotional included) by active empathetic listening
2. Defining the issues
3. Generating options
4. Negotiating options
5. Agreement

# Systemic cognitive mediation

- Logical process
- Opening the parties' systems
- Circular questions
- Clarifying contexts
- Identifying issues
- Deconstructing positioning
- Negotiating



# Transformative mediation

- Parties in direct dialogue
- Micro dynamics
- Identifying level of empowerment and recognition
- Only intervening in order to improve the level of empowerment and recognition
- Intervention is active listening and cognitive questions to the dialogue – not to the content

# Narrative mediation

- We live within narratives (stories)
- Opening and changing closed discourses
- Re-positioning
- Hopes for the process
- Externalising obstacles
- Deconstructing impacts of conflicts
- Creating an alternative narrative (story)

# Good luck

AND ...

... thank you for the attention 😊

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