

## Alternative Dispute Resolution - Mediation

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### About Mediation

Alternative Dispute Resolution, or Mediation, helps you to resolve disputes without the need for a formal trial or hearing. It is an alternative to formal, lengthy court processes and expensive sessions with lawyers – although your legal support person can be present during the process.

Mediation is helpful during times of separation, divorce, business dissolution or when workplace relationships break down. We focus on the communication and relational aspects of the mediation process – helping you to manage your emotions, fears, feelings and boundaries – so that you can identify and resolve issues that are important to you.

It is an informal, structured process in which the participants, with the support of a Mediator:

- identify issues
- develop options
- consider alternatives
- make decisions about future actions and outcomes

The Mediator acts as a third party to support all participants reach their own decisions. Mediators aim to ensure a fair and transparent discussion. They are impartial, tasked with managing the resolution discussion, facilitating communication, helping people to hear and understand each other and assisting parties to evaluate alternatives and options. They do not give advice or determine the solution.

### How it helps resolve important issues

Whilst the primary objective is to reach an agreement, there are other valuable outcomes:

- each person has the chance to identify issues that are important to them and explain why they are important
- each person has an uninterrupted chance to be heard by the other party without emotions getting in the way and derailing the discussion process
- each person has the opportunity to state their

feelings, needs and wants and to re-evaluate these during the process

- relationships can be maintained and enhanced
- coaching to develop more constructive ways of managing conflict

### A structured process

Length of Mediation sessions vary depending on the type of issue that is dispute. Generally we advise participants to allow 4 hours for a mediation meeting.

The mediation process includes:

- **A pre-mediation discussion** with each of the participants to outline the process, the dispute and concerns
- **An issue exploration session** in which all parties are present. The purpose here is to explore and understand the issues from the perspective of the people in dispute
- **A private and confidential session** with each person to discuss the process, explore issues in more depth, discuss options, evaluate alternatives and provide negotiation coaching
- **A session which focuses** on negotiating and achieving resolution and agreement

### Some of the benefits:

- It's generally less expensive than court proceedings and less time consuming
- Resolution can be achieved more rapidly enabling each party to move past the issue and on with their lives
- It increases privacy and confidentiality
- Reduces stress and fear about formal court proceedings and answering questions from lawyers
- There's increased satisfaction with the outcome – there's more flexibility and creativity in solving the problem. People are encouraged to think "outside the square" to resolve issues
- It's a more balanced approach where you don't feel rushed to make a "quick" decision.