

Workshop

Judicial Mediator

Duration: 16 academic hours

Participants: judges

Organizers: National Institute of Justice, CEDR

6-7 december 2017, ora 09:00

FIDES European Education Center, Str. Mușatinilor, 1

Trainers:

James South - Director of Training, CEDR

Srdan Šimac - Judge, Commercial Court in Split, Ministry of Justice of the Republic Of Croatia

Andy Grossman - Assistant Director of Training, Director of Public Sector Development, Director of Dispute Resolution Services, Director of CEDR Foundation

AGENDA 6 december 2017	
08:45 – 09:00	Registration of participants
09:00 – 09:15	Welcome and Introductions
09:15 - 10:45	<p>Understanding the Dispute Resolution Landscape Aim: To assist judges in differentiating between different DR processes. Session would include:</p> <ul style="list-style-type: none"> • Comparative analysis of Litigation, Arbitration, Conciliation and Mediation • The role of the neutral • Definition of mediation • Exercise: Adjudication and Mediation Outcomes and benefits
10:45 – 11:00	<p>Introduction to the Phases of Mediation Aim: To introduce the phase model of the mediation process</p>
11:00 - 11:15	Refreshment Break
11:15 – 12:00	<p>Opening a Judicial Mediation Session Aim: To assist the Judge initiating the judicial mediation session and helping parties distinguish it from the litigation process. Session would include:</p> <ul style="list-style-type: none"> • Tone of the Opening • Purpose of the mediation • Role of Judicial Mediator • Establishing Process, Principle and ground rules • Practice session to allow participants practice starting a judicial mediation session
12:00 – 12:45	Introduction to Exploration: Finding out what is really going on

	<p>Aim: To introduce to judicial mediators the purpose and benefits of exploration to assist the resolution of a dispute. Session includes:</p> <ul style="list-style-type: none"> • Introduction to Interest and positions • Demonstration <p>Importance of Active Listening Skills and overview of skills spectrum</p>
12:45 – 13:45	Lunch
13:45 – 15:15	<p>Skills Practice: Moving from adjudication to conversation:</p> <p>Aim: To develop and practice the skills necessary to engage in an exploratory conversation in order to understand parties interests</p> <ul style="list-style-type: none"> • Reflecting and Paraphrasing • Reframing, Summarising and Questions <p>Exercise: Having a conversation to identify interests</p>
15:15 - 15:30	Refreshment Break
15:30 – 16:45	<p>Practice Session: Transfer Trouble</p> <p>Aim: Allows the first third of participants to practice the role of the mediator, getting feedback from the trainers</p>
16:45 – 17:00	<p>Preview of Day 2 Close of day</p>

	<p>AGENDA 7 december 2017</p>
08:45 – 09:00	Registration of participans
09:00 – 09:45	<p>Introduction to Day 2</p> <p>Process decisions: Joint or Private Meetings</p> <p>Aim: to consider when a judicial mediator might use different types of meetings including:</p> <ul style="list-style-type: none"> • Joint meetings • Private meetings • Meetings with parties only • Lawyer only meetings
09:45 - 10:30	<p>Range of Judicial Mediator Interventions-</p> <p>Aim: When and how to give your view or suggestions for settlement</p>
10:30 – 10:45	Refreshment Break
10:45 - 11:30	<p>Negotiation & Working with Offers</p> <p>Aim: To understand and use a framework for making and receiving offers in order to coach and facilitate the parties' negotiation process. Session Includes:</p> <ul style="list-style-type: none"> • Framework for offers in mediation • Managing Insult offers • Demonstration of facilitating offers
11:30 – 13:00	<p>Practice session 2: Unravelling the Gravel</p> <p>Aim: Allows the second third of participants to practice the role of the mediator,</p>

	getting feedback from the trainers
13:00 – 14:00	Lunch
14:00 – 15:30	When the going gets tough <ul style="list-style-type: none"> • Role play debrief • Dealing with Deadlock • Reality Testing • Challenging parties
15:30 – 15:45	Refreshment Break
15:45 - 16:45	Practice session 3: Teflex AIM: Allows the final third of participants to practice the role of the mediator, getting feedback from the trainers
16:45 – 17:00	Programme review and Evaluation Close