



MEDIATION MECHANICS

WHAT IS MEDIATION?





What is Mediation?

Mediation is an alternative process to the court process. In mediation the parties to a dispute appoint a neutral person, the mediator, to assist them in finding solutions to the issues in dispute. The mediator facilitates the process and the parties determine the outcome of the process.

The Key Principles Of Mediation

- Mediation is **Voluntary**
- Mediation is **Confidential**
- Mediation is **Empowering**
- Mediation allows **Recognition and Understanding**
- Mediation is an **Impartial Process** (*Neutral 3rd Party*)
- Mediation is **Without Prejudice**
- Mediation takes place where **no conflict of interest exists**
- Mediation facilitates a **unique solution**

The Benefits Of Mediation

- The all important consideration of cost, mediation proceedings are **less costly** than judicial proceedings
- The **decreased time** mediation proceedings take as opposed to litigated disputes



- Mediation is not formal or intimidating and an **incredibly flexible yet functional** process
- The parties strive personally to **find common ground**, and work to develop mutually agreeable solutions
- Efficiency of the mediation process, as it **aims to avoid further complications** and animosity between the parties
- Due to the voluntary nature of the process it permits parties to express their **interests and needs** and anxieties, while helping them to create a suitable solution
- Mediation also offers the opportunity to **create innovative solutions** to business disputes that further the unique interest of the parties
- Mediation **facilitates early settlement**
 - To **Relieve the court congestion**
 - Record the **agreement between the parties themselves** instead of a Judge or Arbitrator

The Role Of The Legal Advisors

- **Evaluate your options.** Before the mediation, a legal advisor can help you evaluate the option of mediation, and persuade the other party to consider mediation. Contact a suitable mediator on you agreement
- **Act as a legal coach.** During the mediation a legal advisor can act as a legal coach on an as-needed basis. Between sessions you can consult with your legal advisor to clarify questions



**MEDIATION
MECHANICS**

- **Predict outcomes and costs.** A legal advisor can also help predict the range of possible legal outcomes if you were to go to court and the costs related
- **Review agreements.** Perhaps the most important, a legal advisor can review any written agreement prepared by the mediator to make sure it says what you want it to say and that it will be legally binding once signed.
- **Prepare court documents.** Your legal advisor can interact with the court once your settlement agreement is signed.

How To Get To Mediation

If you have a dispute with another person or business, which you want resolved, you can first **propose to the other side to mediate** the case. If you are uncomfortable with that option, you can then **contact a mediator and ask the mediator to approach the other party with the invitation to mediate.**

Another alternative is to approach your **legal advisor and ask them to refer** you to a Mediator.

Charlene van Riet-Lowe
Founder & Mediator



**MEDIATION
MECHANICS**

Botswana's Premier Mediation Company

📞 (+267) 72 292 029

✉️ charlene@mediationmechanics.com

✉️ P.O. Box 10429 Village, Gaborone

🌐 www.mediationmechanics.com

📘 Mediation Mechanics

📷 Mediation Mechanics

🌐 Charlene van Riet-Lowe