



Mediation may be thought of as "assisted negotiation"

Negotiation may be thought of as "communications for agreement"

Hence, mediation is "assisted communications for agreement"



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The Guest will judge better of a feast
than a cook

Aristotle

A mediator is a neutral third party who encourages those in the dispute to talk to each other about their conflicted issues.

The mediator is *not* an advice-giver or decision-maker as, taking such a role, can compromise the neutral role that the mediator is to play.

It is really important that the parties examine their problems, then they can create and agree upon an outcome that meets their needs and addresses their concerns.

The mediator facilitates this process.



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“In the case of dissention,
never dare to judge
till you’ve heard the other side”

Euripides, The Children of Herakles



What is the procedure?

The parties sign an agreement beforehand that they will utilise the services of the mediator. A meeting is scheduled, and during the meeting the mediator will explain the process. Should a settlement agreement be required, this will be done during the meeting and at the conclusion of the meeting, the signed agreement will conclude the process.

- Is one meeting enough?
 - This depends on the cooperation of the parties during the meeting, and the complexity of the dispute to be mediated
- What does it cost?
 - It is suggested that you research your options: some mediators offer a set fee for a specific process, and hourly fees range between R800 and R2500 per hour. You may also request an indication or quote on fees beforehand
- Does the matter go to court afterwards?
 - This depends on the type of dispute settled and whether the dispute is already before court: for instance, in a divorce the law requires that the settlement be made part of the divorce order



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“Being good is easy. What is difficult is being just”

Victor Hugo

Parties often resort to the legal system because they have been unable to resolve the conflict between themselves.

Any negotiation process requires give and take from both: that is how agreement is being reached.

Often the conflict has a long history to which the mediator has no knowledge and this can assist the mediator to identify core issues that had been preventing resolution of the conflict.

Going through a mediation, though, can also be seen as an important step to equip parties to move on from a situation that causes resentment between them, especially where they still need to maintain contact upon resolution of the dispute (such as where there are minor children involved or parties work together).

For more information or to book an appointment,

visit: www.brinkadr.co.za

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