

Styles of Mediation

There are several types and styles of mediation, however the common theme is that there is an independent third party who does not have a conflict of interest in the resolution of the dispute.

Some of the different styles of mediation include:

Facilitative Mediation

In facilitative mediation or traditional mediation, a mediator attempts to facilitate negotiation between the parties in conflict. Rather than making recommendations or imposing a decision, the mediator encourages disputants to reach their own voluntary solution by exploring each other's deeper interests. In facilitative mediation, mediators tend to keep their own views regarding the conflict hidden.

Facilitative mediation is the most common form of mediation and is the style that is taught in most training programs.

Evaluative Mediation

Evaluative mediation was developed in the 1980s and often stands in contrast to facilitative mediation. An evaluative mediator is most likely an individual with sufficient legal training and experience that they are in a position to provide legal advice and recommendations regarding the suitability and likelihood of options for resolution. Instead of their primary focus being on the needs and interests of the parties involved, an evaluative mediator is more likely to hold an advisory role; assisting the parties to assess the legal merits of their positions.

Because of the advisory role of an evaluative mediator, this style is most often used in court-mandated mediation.

Evaluative mediation is more commonly seen as conciliation, than a form of traditional mediation.

Transformative Mediation

Transformative mediation was developed in response to the more short-term, 'band-aid', solutions that can be prominent in more problem solving or solution-focused styles of mediation.

In transformative mediation, mediators focus on empowering disputants to resolve their conflict and encouraging them to recognise each other's needs and interests. First described by Robert A. Baruch Bush and Joseph P. Folger in their 1994 book *The Promise of Mediation*, transformative mediation is an evolution of facilitative mediation.



At its most ambitious, the process aims to transform the parties and their relationship through the process of acquiring the skills they need to make positive change.

There are two primary focuses of transformative mediation:

- Empowerment – Through the process, the parties are placed in a position to make the best decisions for themselves. This enables the parties to recognise their own strengths and capacity to manage any future disputes.
- Recognition – The process of eliciting parties to see and better understand the perspective of the other person. The aim is to evoke acknowledgement and empathy; skills which extend beyond that particular dispute.

There are many similarities between transformative and facilitative mediation. It is possible that the difference may come down to an individual mediator's style of facilitating the process and interacting with the parties.

Co-Mediation

The process whereby two mediators co-facilitate the mediation session. The decision to use a co-mediation model can be made for a number of reasons:

- Each mediator may have different specialisations which reflect the nature of the dispute to be mediated.
- Co-mediators might be different ages or genders to reflect the parties in dispute.
- For mentoring; new mediators are generally recommended to co-mediate with an experienced mediator to develop their skills and competence.

The relationship and collaboration between co-mediators can be used to model the behaviours that are expected of the parties.

Shuttle Mediation

The process of conducting a mediation with parties in separate rooms for the entire process. The mediator(s) 'shuttle' between rooms with the parties' offers and counter-offers. Shuttle is a style of mediation often favoured by lawyers and legal aid services.

Due to the nature of shuttle mediation, exploration of the parties' interests and needs is often not a primary focus. Rather, shuttle mediation will focus on negotiation and position bargaining to reach settlement.

Sometimes shuttle mediation will be used in dispute with a history of violence or safety concerns for one or both parties.



E-Mediation

In e-mediation, a mediator provides mediation services to parties who are located at a distance from one another, or whose conflict is so strong they cannot stand to be in the same room.

E-mediation is likely to resemble traditional facilitative mediation, delivered at a distance. Thanks to video conferencing services, parties can now easily and cheaply communicate with one another in real time, while also benefiting from visual and vocal cues. Early research results suggest that technology-enhanced mediation can be just as effective as traditional mediation techniques. Moreover, parties often find it to be a low-stress process that fosters trust and positive emotions.

