

The Dispute Resolution Team :

Mediator & Dispute Resolution Adviser

The parties to a personal injury dispute had agreed to mediate. The dispute resolution advisor had worked with the parties to identify the most suitable mediator. While liaising with the parties to finalize the mediation agreement one side informed him that they would only continue if the other side accepted liability on one particular issue.

This condition was unacceptable to the other party, and with only a few days until the mediation, jeopardized the process. After considerable negotiation with both parties, and considerable venting from one of them about the perceived lack of good faith from the others, the dispute resolution advisor convinced them that the best forum for these issues to be discussed was the mediation. The mediation took place as scheduled and settled in one day.

Sometimes clients perceive dispute resolution advisor as an administrative adjunct to the mediation. In reality they are an integral part of the process. Several of them are CEDR Accredited mediators themselves.

Their role begins when the parties first contact CEDR Solve, discussing the parties' needs and identifying the skills, experience, background, style and other criteria required of the mediator. If appropriate the dispute resolution advisor can advise on alternative procedures that might best reach the outcome the parties require. The dispute resolution advisor's involvement continues, helping the parties navigate through the procedural wrangles of arranging the mediation. Their involvement is not complete until after the mediation, when individual and specific feedback is obtained on the mediator's performance. Our rigorous monitoring system ensures that we can continually develop our mediators and maintain our ability to provide clients with the best neutral for their dispute.

There are two important areas in which dispute resolution advisors add value to the process. Mediation is at its most effective when the parties and their legal representatives are fully engaged in the process. From initial contact, dispute resolution advisors will work with the parties and lawyers to ensure they understand the mediation process and are fully prepared to resolve their dispute on the day. From advising parties on who should be in their mediation team to assisting with the contents of case summaries and other documents, the dispute resolution advisor is always attempting to ensure that the parties are in the best position to get the best from the process. Their impartiality ensures that the best advice is given to all parties.

The other crucial role, in handling the logistics of the mediation and resolving procedural disputes, is to shield the mediator. The dispute resolution advisor is able to manage the venting of frustration by the parties, negotiate agreement on any sticking points and liaise with the mediator over changes to the mediation procedure of agreement. This ensures that the mediator enters the process from a neutral viewpoint, untainted by previous procedural conflicts.

In a very real sense the mediator and dispute resolution advisor work as a team, with the dispute resolution advisor liaising between parties and the mediator to ensure that they can focus on the substantive issues in dispute. So the next time you speak to a dispute resolution advisor, consider yourself to be dealing with an integral member of CEDR Solve's dispute resolution team, working to ensure that clients are receiving the maximum benefit of the mediation process.

Dispute resolution advisor: Dispute Resolution Professional

- Integral part of mediation team working closely with mediator
- Works with parties and their lawyers to engage them effectively in the process and ensure their optimal participation in mediation
- Resolves procedural disputes allowing parties to vent frustrations thereby clearing the way to focus on substantive issues in mediation
- Preserves mediator neutrality by shielding them from procedural wrangles

By James South

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