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საქართველოსთვის
The European Union for Georgia



WORKSHOP ON ALTERNATIVE DISPUTE RESOLUTION

The role of the different actors in mediation

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Different actors in Mediation

Mediator

Parties

Lawyers

Co-
mediators

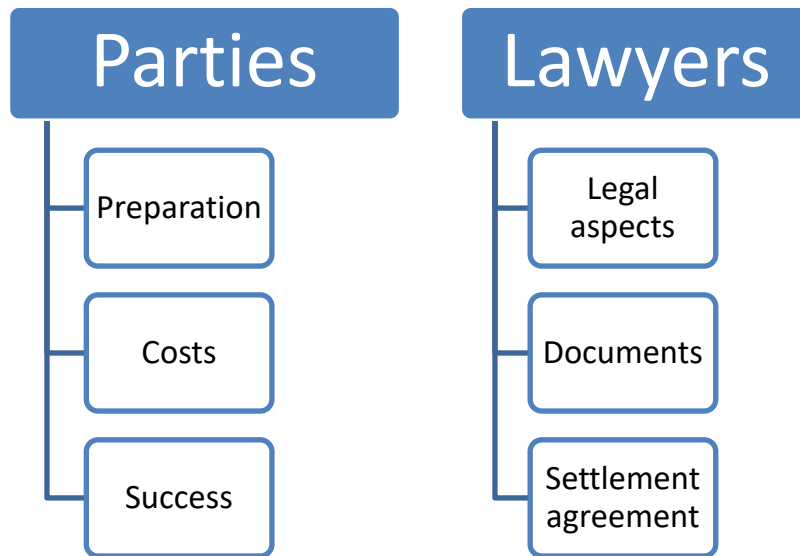
Role of Mediator

- **Assist the parties** in reaching a voluntary and mutually satisfactory settlement
- **Process manager** and facilitator of the communication between the parties
- **No authority** to settle the case
- **No legal advice** or to represent any party

Role of Mediator

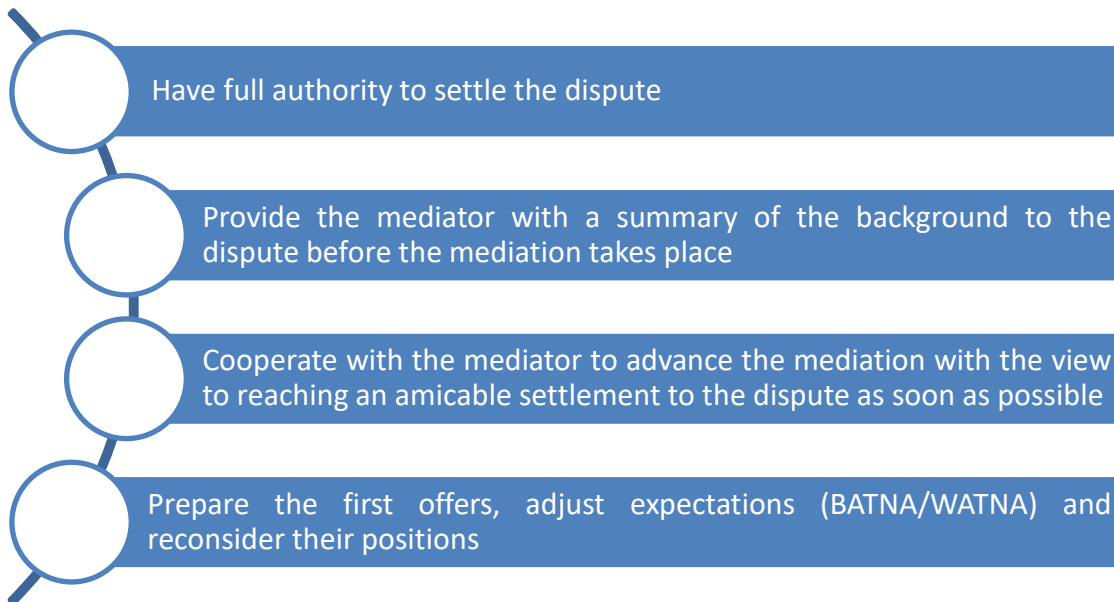
- Help the parties to capture the overall picture of the situation
- Assist the parties in preparing the offers and evaluate how they will be received by the other party
- Identify objective criteria for possible solutions
- Manage expectations and reactions
- Exempt from liability regarding the outcome of the mediation, the legality and enforceability of the settlement agreement

Concerns of the lawyers and the parties



Role of parties

Parties should:

- 
- Have full authority to settle the dispute
 - Provide the mediator with a summary of the background to the dispute before the mediation takes place
 - Cooperate with the mediator to advance the mediation with the view to reaching an amicable settlement to the dispute as soon as possible
 - Prepare the first offers, adjust expectations (BATNA/WATNA) and reconsider their positions

Role of Lawyers

Help the client in the different stages of the process (e.g. preparing offers)

Participate in drafting the settlement agreement

Prepare the case/documents with the client

Help the client to identify legal issues, strengths and weaknesses

Roles of Co-mediators

Co-mediation is where two or more mediators are working together on a specific case

Examples where co-mediation may be useful:

- Complex dispute
- Need for combination of different skills
- Language

Role of Co-mediators

Co-mediators act as a **team**

Before the mediation starts, **agreement on** :

- Roles and tasks
- Cooperation and communication
- Management of process in case they have different views



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