

TYPES OF MEDIATIONS and THE BENEFITS

Rafeena Bacchus

November 20, 2021

Models of Mediation

Evaluative – mediator evaluates the claims and rights of each party considering the applicable legal or other relevant rules.

Facilitative – mediator assist the parties in solving their problem by improving communication between them and by searching for creative mutual gain solutions.

Transformative – allows and requires a change in the parties to heal their relationship through the mediation process.

Much will depend on the nature of the dispute, the nature of the parties' relationship, and the nature of their interest in the dispute.

Some of the Benefits of Mediation

- It is confidential.
- It is voluntary in terms of the resolution being a compromise and is not a decision imposed by a third party. The parties control the outcome.
- Mediators are experienced and can provide helpful insights and information to facilitate resolution.
- Less formal and less stressful than a hearing.
- Faster than a hearing.
- Settlements can be creative and provide solutions not available at a hearing or trial.
- There is no real downside. If there is no settlement, the mediator will not be the ultimate decision maker.