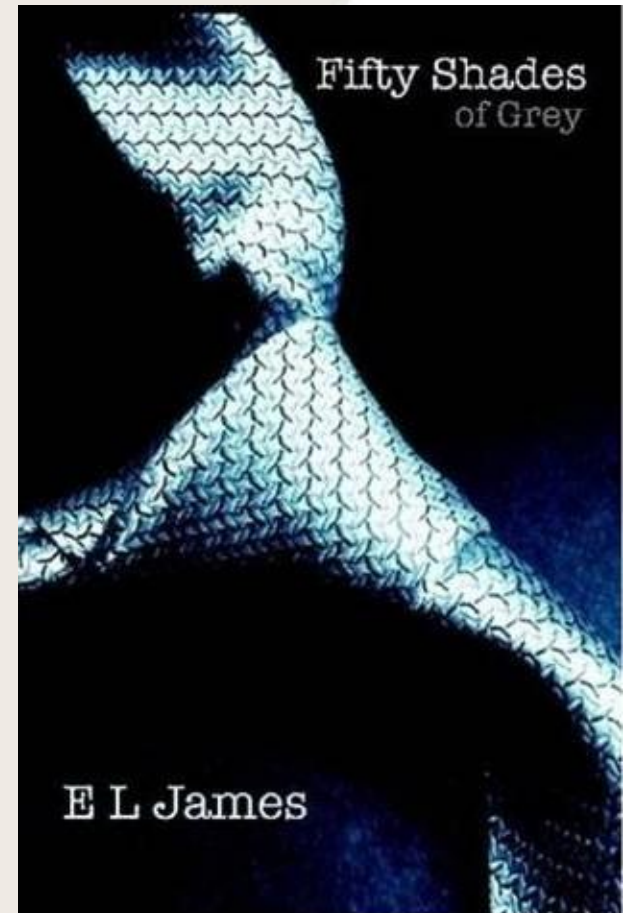
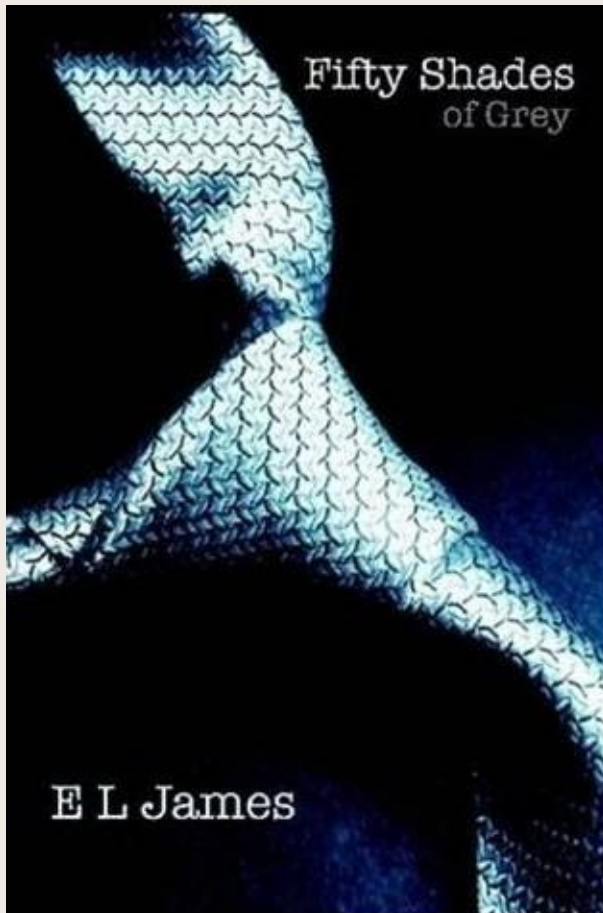
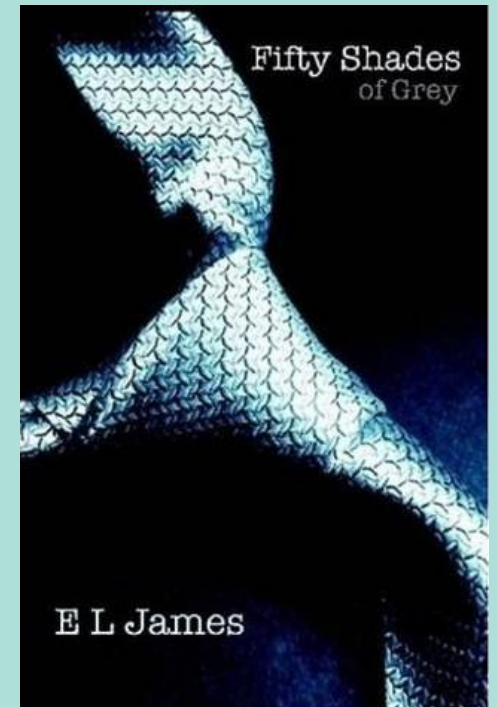


Read the book? Seen the movie?



50 Shades of Evaluation

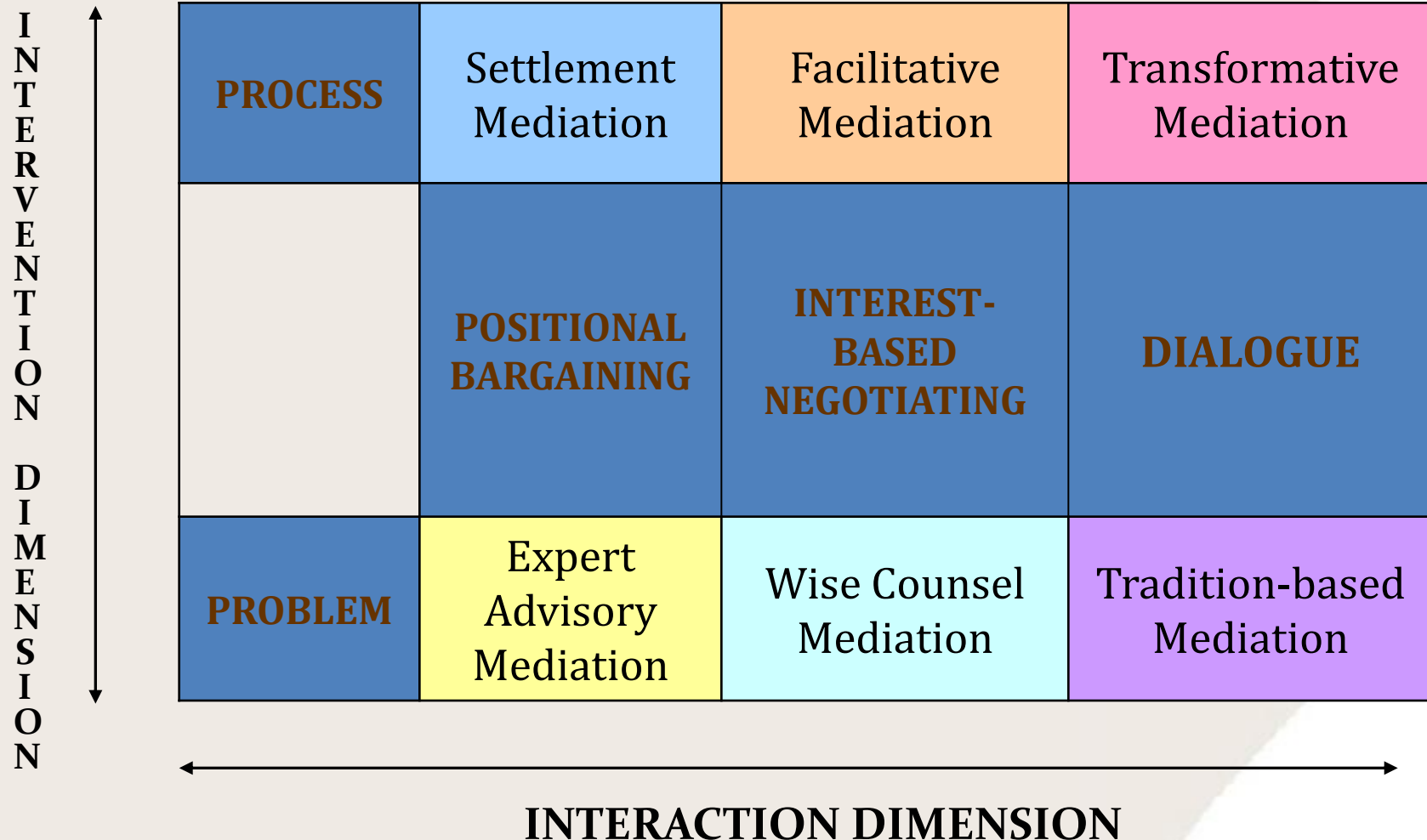
With Prof. Nadja Alexander



Overview

- Evaluative mediation approaches within the meta-mediation spectrum
- 2 evaluative models: expert advisory and wise counsel
- Opportunities and risks
- Evaluative and facilitative mediation compared
- What does an evaluative mediator do?

Mediation Meta-Model



Assumptions

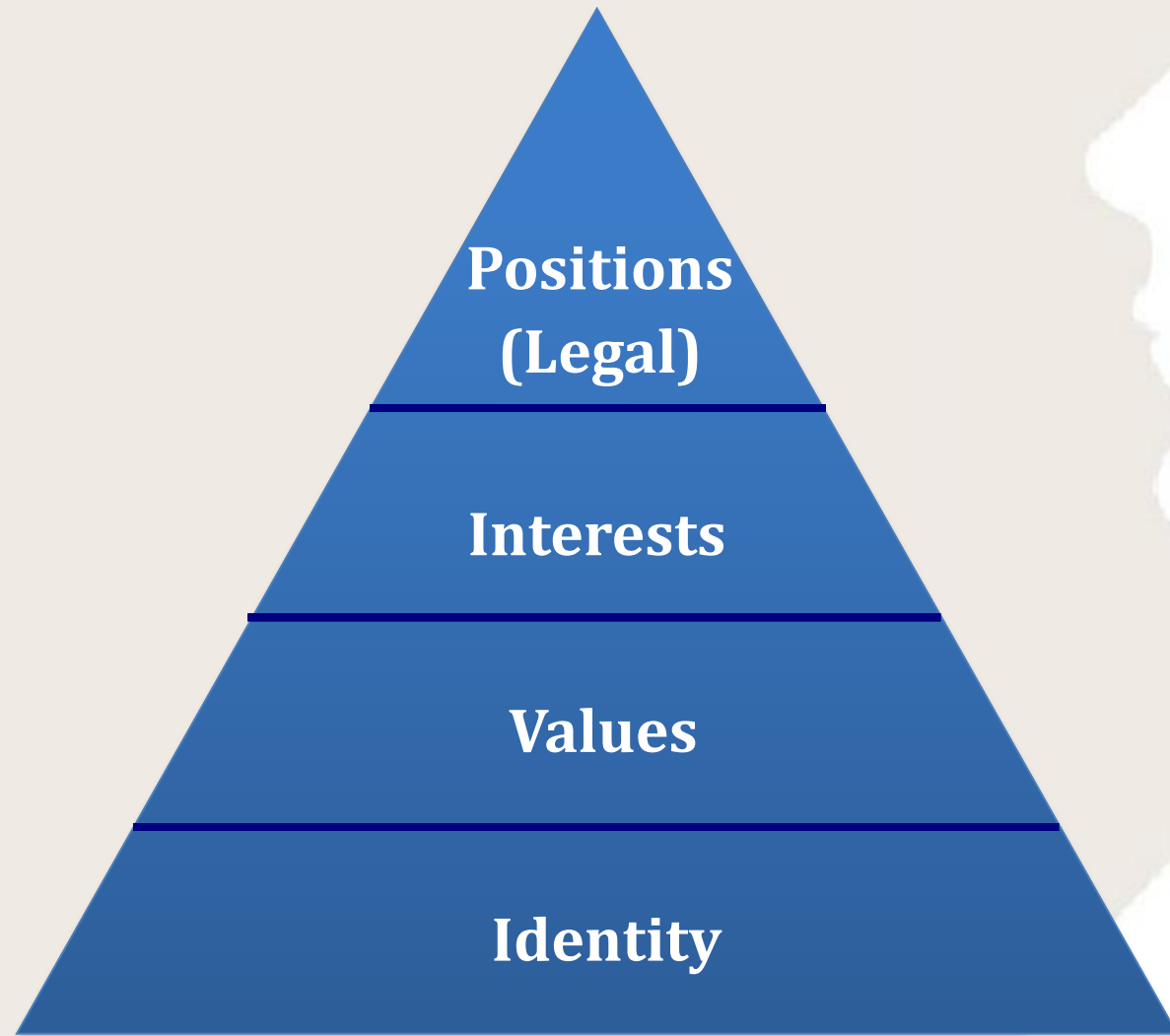
Facilitative

- Parties are best placed to solve their own conflict
- Parties interests are paramount for resolution
- Direct communication between parties
- Parties likely to implement an agreement they create
- Parties satisfied if involved in process
- Duty of impartiality prevents a mediator advising
- Aim: conflict resolution

Evaluative

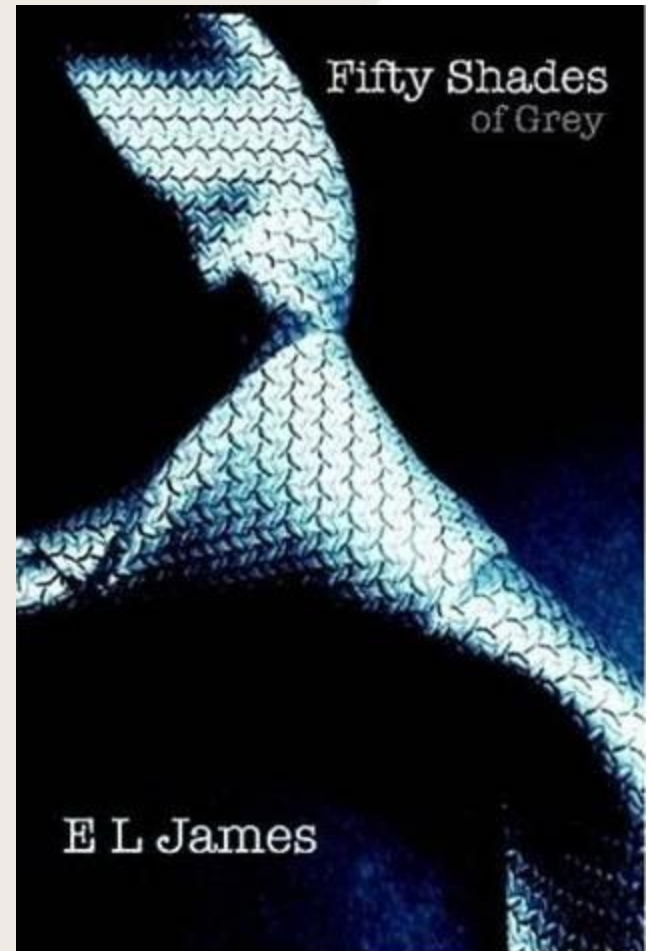
- Party autonomy means choice
- Parties (with lawyers' advice) can make rational choice to protect their vulnerability* with expert mediator OR seek guidance from wise elder
- Mediator is well placed to offer advice
- Mediator is well-placed to identify suitable solution
- Legal form of outcome will maximise enforceability and implementation
- Aim: dispute settlement

What's the aim of your mediation?



50 Shades of Evaluation

- Verbal
- Non-verbal
- Procedural/Structural
- Environmental
- Structural
- Intensity of intervention



More Shades ...

- Providing information
- Expressing an opinion
- Advising
- Being critical or judgmental
- Acting as agent of reality
- Offering a risk assessment



Remember ..

1. Evaluative mediation is an approach
2. There are variations on the evaluative approach
3. Look for a mediator with 50+ shades, i.e.
someone who can move around the evaluative
continuum (and beyond)

Remember ..

4. Evaluative mediators will work with lawyers to ensure the perception (and reality) of neutrality is maintained
5. Check your mediator has professional indemnity insurance which covers advice giving in a mediation context
6. Check your agreement to mediate permits an evaluative mediation model

Questions?