

Why choose mediation?

- Mediation is a process that can be used at any stage of the dispute process even when you may feel that communications have hit a brick wall.
- Mediation is a quicker and easier option than taking a dispute to court.
- Mediation keeps power in the hands of the parties to the dispute.
- Mediation aims to create a long term solution and maintain relationships.
- Mediation is a confidential process and discussions do not affect your position if the dispute does have to go to court.

What will mediation cost?

We provide mediation services at a very reasonable rate. We offer a free initial consultation and hourly, half day and full day rates.

Contact us to discuss what sort of costs might be involved.

Where our mediators are required to travel we will charge at cost for disbursements (Petrol, Airfares, Accommodation)

Payment options will be discussed with both parties before mediation begins.

In some circumstances where neither party is able to pay the full rate, we may be able to provide mediation services on a pro-bono or koha basis.

Why should you get us to Mediate for you?

- Our mediators have internationally recognised LEADR training and Accreditation.
- We incorporate Tikanga Māori principles in to our mediation and are well acquainted with Māori legal concepts.
- Where appropriate we can provide co-mediators to allow for a better balance of skills and experiences.
- We bring a Kaupapa Māori approach to mediation.

What sorts of disputes can we Mediate?

Our mediators specialize in:

- Land Issues
- Trust and Estate Issues
- Family/Whanau Issues
- Kaupapa Māori Issues

We are happy to discuss the mediation of disputes outside of these areas as well. Contact us for more information.

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Mediation Services



Image by: Mike Hudson, www.seriocomic.com

This brochure gives details on the Mediation Services provided by the Ngāi Tahu Māori Law Centre.

Please contact us with any questions and see whether we can help resolve your dispute.

What is Mediation?

Mediation is a process for solving disputes between two people or parties. It is often treated as an alternative to taking a dispute to Court. Mediation takes a problem solving cooperative approach to a problem

A trained neutral mediator sits with the parties to try and find solutions to problems they may be having. The aim is to come to an agreement that is suitable to both sides.

What will a Mediator do?

Assist parties to:

- Identify the issues which are causing problems between the parties.
- Work with the parties to find a range of solutions that might work.
- Find the best possible solution for both parties and work towards forming an agreement between the parties.

What will a mediator not do?

- Take sides in the dispute
- Impose a solution
- Force parties to come to an agreement
- Make decisions for the parties.
- Give legal advice.

The Mediation Process

1. Pre-mediation

The mediator will meet with both sides to make sure that they understand and are comfortable with the mediation process.

2. Mediator's opening statement

The mediator clarifies the process, its aims and the role of each of those present.

3. Parties' statements

The parties are given a chance to tell their stories as they see it. This is a chance to put issues on the table and allows both sides to be heard.

4. Summarising

The mediator briefly summarises the statements made by the parties this helps to clarify any uncertainty that may exist.

5. Agenda-setting (issue identification)

At this stage the mediator helps the parties set out topics for discussion. These are framed in a neutral fashion and become the agenda for the discussion. Both parties can contribute issues they would like to see resolved.

6. Issue exploration

All the topics which have been set out are then open to discussion. One by one the mediator will help the parties explore the issues. This is an important step

which aims to help the parties understand the issues from the others perspective.

7. Private sessions

After issues have been explored jointly the mediator will meet with each party privately to discuss how the mediation is going and to "reality test" possible solutions. Both parties are given a decent chance to discuss with the mediator.

8. Joint session

This is a chance for the parties to discuss options for resolving issues. It is up to the parties themselves to negotiate towards potential solutions. The mediator will oversee this process but solutions should come from the parties themselves.

9. Private sessions

This is a chance for the mediator to check that both parties understand the implications of anything they are about to agree to. This helps make sure that everyone is comfortable going forward and prevents further dispute later on.

10. Agreement/Closing

Parties are encouraged to start to develop an agreement which will work. The final agreement is usually completed later but parties may sign a "heads of agreement" where they have been able to resolve issues. The mediator will check that all the points discussed have been covered by the agreement.