



**Mediation in practice  
– how to learn and use  
the mediation process at the university**

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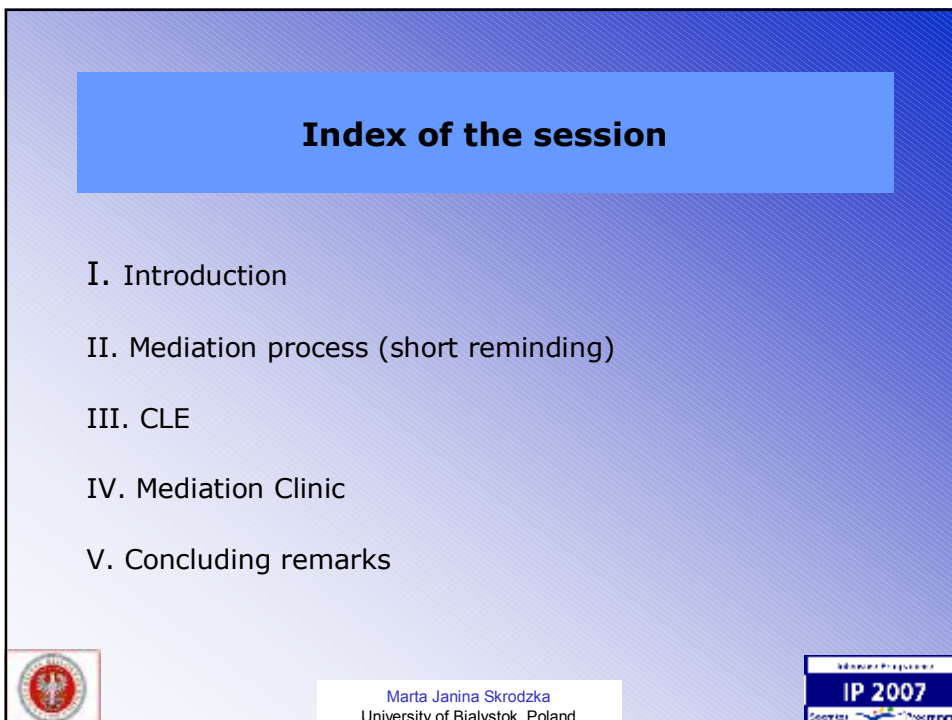
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Intensive Programme  
**IP 2007**  
Socrates-Tempus Programme

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Intensive Programme  
**IP 2007**  
Socrates-Tempus Programme

## Mediation process – what is it all about?

Mediation is a process in which an impartial third person facilitates a negotiation between people in conflict or who are trying to “make a deal”. The mediation process empowers them to take control of their lives and find solutions that meet their interests and needs. It is a private, voluntary, informal process during which the mediator or mediators assist the participants to resolve their dispute in a manner acceptable to all.



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## Core Principles of Mediation

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- Party Autonomy
- Informed Decision Making
- Confidentiality

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## Stages of Mediation

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- Assessment and preparing for mediation
- Beginning the mediation
- Gathering information
- Identifying issues, interests and feelings
- Clarifying the issues and interests, acknowledging feelings
- Problem solving – Processing the issues
- Reaching closure
- Closing the session
- Monitoring steps necessary for implementation

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## Questions

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- What to do to be a good, skilled mediator?
- How to study and train to be good enough?
- What kind of skills do I have to get to be a good mediator?
- Do the skills help me in my future career? How?



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## What to do to be a good, skilled mediator?

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- Studying (lectures, workshops)
- Trainings (professional trainings)

## How to study and train to be good enough?

- Role playing
- Video typing
- Observations
- Moot courts
- Mediating under the supervision of the trainers



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## Clinical Legal Education (CLE)

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An **interactive** method of teaching law students the **legal skills** they will need in order to become competent, conscientious and ethical lawyers.



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## CLE – goals and background

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### **Two main goals:**

education and social mission

### **Historical facts:**

- the idea appeared at the very beginning of the 20th century,
- it became well developed in US in the 1960s,
- it became popular in Europe in the 1990s,
- Poland – first Legal Clinic was established in 1997,



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## Polish CLE in numbers:

### Year 1998/1999:

- **4** Legal Clinics
- **757** cases (between October 1998 and June 1999)
- **165** students and **25** teachers worked in clinics
- **1** teacher supervised the work of **7** students
- **5** cases approximately were solved by one student

### Year 2005/2006:

- **23** Legal Clinics
- **9833** cases (between October 2005 and June 2006)
- **1279** students and **179** teachers worked in the clinics
- **1** teacher supervised the work of **7** students
- **8** cases approximately were solved by one student



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## The list of basic lawyering skills\*:

- solving problems,
- legal analysis and legal reasoning,
- to identify and research legal issues,
- factual investigation,
- communicating (the ability to communicate),
- to advise,
- to negotiate,
- knowledge of litigation procedures and alternative dispute resolution,
- organizing and managing practice work,
- identifying and solving ethical problems.

\* based on MacCrate Report



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## The fundamental values of legal professions \*:

- competence of representation,
- supporting and promoting justice, fairness and morality in daily legal work,
- commitment to improving the profession,
- continuous self-improvement.

*\* based on MacCrate Report*



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## The forms of CLE

- general clinic seminars,
- section seminars,
- individual student consultations,
- student duty hours (meetings with clients),
- psychological training,
- specialist training.



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## Mediation Clinic

- Structure:
  - 1 academic year
  - small group of 10 to 12 students
  - 2 teachers, who are mediators and academics
  - meetings: seminar once a week, extra trainings
- Methodology:
  - discussions,
  - role playing
  - observation
  - co- mediating
  - video-typing
  - writing diary



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## Concluding remarks

Learning how to be good and skilled mediator by:

- creating a **legal clinic structure** that allows for effective representation through high-quality legal education and within the Mediation Clinic,
- creating a working **CLE methodology** that incorporates a varied set of teaching instruments, that develop all aspects of basic lawyering skills and fundamental values of legal profession.



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Thank you for your attention 😊



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