

MEDIATION MARATHON

This basic Mediation skill development programme will equip the participants with the vision for selection and referral of cases to mediation and the foundational and developed skills of conflict resolution. In an intensive day, the participants will understand importance of selection of suitable cases, understand the theory behind conflict and develop a toolkit for effectively resolving conflict. The programme has a special focus on building interest of major stakeholder i. e. Referral Judges and Mediators. All the Judicial officers of the district and the empanelled Advocate Mediators in the district shall be the participants of the programme. The Judicial officers who are not trained Mediators will participate in programme for the referral Judges. The trained Mediators including the Judge and Advocate Mediators will participate in programme for the Mediators.

The *programme* provides opportunities for intensive skill development under the guidance of skilled trainers. The marathon will run on two routes i.e. one programme for referral Judges and another for Advocate and Judge Mediators. Both the programme shall be conducted on the same day, in the same premise but in two different halls. Two senior potential trainers / trainer of trainers from concerned district/adjacent Districts shall be the trainers of this programme. One trainer (preferably

the senior trainer) will monitor the programme for the Mediator and other will monitor the programme for Referral Judges. If such skilled trainers are not available in the district or adjacent Districts, the Main Mediation Monitoring Committee, High Court of Bombay, will provide skilled Trainers to conduct the programme, in the concerned district.

The trainers shall conduct the programmes as designed by Main Mediation Monitoring Committee, Bombay High Court. The trainers shall focus on hands-on learning to get all the Referral Judges ready to select proper and suitable cases for reference and the Mediators to mediate real cases. Skill development is combined with theory, to provide a sensitivity to identify the suitable cases having elements of settlement and a deeper understanding of the underpinnings of conflict resolution. *The* programme will also provide follow up mechanism to enhance the performance with maximum outcome of successful mediation.

Training Objectives for Mediation Programme

The Participants in the mediation marathon will demonstrate:

Referral Judges	Mediators
<ul style="list-style-type: none"> • an ability to adopt the mediation mind-set. 	<ul style="list-style-type: none"> • an ability to adopt the mediation mind-set and the language of resolution.

<ul style="list-style-type: none"> • a knowledge and sensitivity to select suitable cases for Mediation and develop the skill to identify the elements, which may demonstrate possibility of settlement. 	<ul style="list-style-type: none"> • an understanding of the importance of confidentiality in the mediation process.
<ul style="list-style-type: none"> • an ability to implement the mediation process. 	<ul style="list-style-type: none"> • an ability to implement the mediation Techniques.
<ul style="list-style-type: none"> • an appreciation of the impact of laws, ethics, regulations, policies and practices surrounding the mediation process and its outcome. 	<ul style="list-style-type: none"> • an appreciation of diversity issues.

The program offering an in-depth immersion of role-play, designed to enhance the skills of participants. Creatively using the basic mediation process to confront and resolve more complicated disputes is the focus of this training.

With an intriguing case, the role-play will consist of a novel group of four participants and a coach (Trainer). Such an approach

will put on real life, complex situations as closely as possible. All participants will actively participate in the full-length role-play, and everyone will suggest best solutions to the diversity in the case. A thorough debriefing – both within the small group and the whole class – of issues, strategies for resolution, and varieties of potential outcomes will be included for each scenario. **The role-play shall be based on actual situations.**

What does this programme entail?

Designed to comply with the ADR requirement, this robust programme provides Basic Mediation Training comprising of:

- Vision to selection of suitable cases for mediation
- Conflict Resolution
- Negotiation
- Communication Skills

PLUS

- 1 Supervised & Evaluated role play
- Self & Peer assessments

Considering the feasibility of time the trainers shall address all or some of the following topics:

Referral Judges	Mediators
<ul style="list-style-type: none"> • Overview of ADR processes 	<ul style="list-style-type: none"> • Overview of ADR processes
<ul style="list-style-type: none"> • Principles of mediation 	<ul style="list-style-type: none"> • Principles of mediation
<ul style="list-style-type: none"> • The role of the referral Judge 	<ul style="list-style-type: none"> • The role of the mediator
<ul style="list-style-type: none"> • Selection of fit cases and its stages where the matters be referred for mediation. 	<ul style="list-style-type: none"> • Mediation skills, including negotiation skills, interactive listening, question-asking, use of neutral language, reframing, interest identification, addressing barriers to agreement, agreement writing.
<ul style="list-style-type: none"> • Ethical issues, including impartiality, conflict of interest, responsibilities to the parties in dispute 	<ul style="list-style-type: none"> • Ethical issues, including confidentiality, impartiality, informed consent, conflict of interest, responsibilities to 3rd parties, advertising and soliciting, withdrawal by mediator
<ul style="list-style-type: none"> • Nature of conflict/ behaviours in conflict 	<ul style="list-style-type: none"> • Nature of conflict/ behaviours in conflict • Values and bias awareness • Cultural diversity • Power imbalance • Working with attorneys and representatives of parties

From these topics the participants will find out from the lead trainer what kinds of skills and techniques they believe are integral to effective mediation practice.

Design of the mediation marathon programme

1. For Referral Judges

Morning Session

Step 1-	Welcome and Introduction of Participants and Trainer	Half an Hour
Step2-	Introduction to subject by Trainer (Overview of ADR processes Role of Referral Judges etc.)	Half an Hour
Step3-	Training in Conflict Analysis, Selection of fit cases and stages where the matters can be referred for mediation etc.	Half an Hour

Afternoon Session

Step 4 -	Supervised & Evaluated role play on given case	An hour
Step 5-	Self & Peer assessments by the participants of role paly and Suggesting solutions by others	Half an Hour

Evening Session

Step6-	Evaluation and explaining skills and techniques to improve the performance of the participants	An hour
Step7	Feedback by the participants: How are the skills and concepts taught? What information the participants have received on ethical guidelines and other topics And Suggestions for improvement?	Half an hour

2. For Mediators

Morning Session

Step 1-	Welcome and Introduction of Participants and Trainer	Half an Hour
Step2-	Introduction to subject by Trainer (Overview of ADR processes, Principles of mediation etc.)	Half an Hour
Step3-	Training in Conflict Analysis (The role of the mediator, Nature of conflict/behaviours in conflict etc.)	Half an Hour

Afternoon Session

Step 4 -	Supervised & Evaluated role play on given case	An hour
Step 5-	Self & Peer assessments by the participants of role paly and Suggesting solutions by others	Half an Hour

Evening Session

Step6-	Evaluation and explaining skills and techniques to improve the performance of the participants	An hour
Step7	Feedback by the participants: How are the skills and concepts taught? What information the participants have received on ethical guidelines and other topics And Suggestions for improvement?	Half an hour

POST-PROGRAM SUPPORT & FOLLOW-UP

- The entire focus of the follow up would be learning. Following up is not about blame, but continuous improvement.
- The Co-ordinator of the District shall collect next two months statistical Data from all the Referral Judges, on the point of number of reference and suitability of referred cases.
- The Co-ordinator of the District shall collect next two months statistical Data from all the Mediators on the point of cases referred, settled, failed and cases remained pending for mediation along with period of such pendency.
- With the help of the statistical data the co-ordinator shall select the Referral Judges and the Mediators whose performance is lowered or is not satisfactory. The performance of the referral Judge shall be assessed on the basis of referral ratio as well as the success ratio. The performance of the mediator shall be assessed on the basis of success ratio.

- The co-ordinator shall then deliberate with the concerned stakeholders and find out the short falls. There after the co-ordinator shall record those shortfalls in bullet form without disclosing the names of the Referral Judges and the Mediators. He then refer those shortfalls to the trainers and get the solutions from the both the trainers on each bullet point. The solutions shall then forthwith be communicated/ circulated generally to all the Referral Judges and the Mediators. The exercise shall be completed within a month.
- After completion of the exercise, the co-ordinator shall forward the detailed report to Main mediation Monitoring Committee, Bombay High Court.