

ROLE OF AN EFFECTIVE MEDIATOR

Mediation is a form of alternative dispute resolution which aims to assist disputing parties in reaching an agreement through the use of a trained third party facilitator. The process differs from arbitration in that resolution at mediation must be brought about by achieving a voluntary consensus between the parties. On the other hand, in an arbitration, although the decision to engage in the process may or may not be voluntary, the result is a legally binding decision.

Mediators therefore play a unique function in that they must be skilled in bringing about a consensus between the disputing parties. There are a number of roles that an effective mediator will have to assume during the course of a mediation. These include:

- Facilitation.
- Translation of the parties' positions.
- Transmissions of facts that the parties may be unaware of.
- Making sure that the parties focus on their interests rather than getting bogged down on their positions.
- Working with the parties to discover or create options.
- Where required, bringing a "dose of reality" to the parties.



Herb Silber brings a strong combination of experience, expertise and empathy to his role as mediator.

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