

## **GAMBLING ON MEDIATION**

My pro bono work as an employment advisor with the Citizens Advice Bureau (CAB) was one of the main reasons I decided to undertake an Open University (OU) law degree. I saw Open Justice as a great way to build my skills but mediation was something I had never considered. To be frank, it was a bit of a gamble.

Nevertheless, it was compelling. Something totally new and untried. However, I did not expect it to change how I came to view pro bono work.

As a CAB employment advisor my role ran along predictable lines. Sitting down with a client in a one to one to one setting with the employer at arm's length at the end of a phone or a signature on a letter. Often the only time employer or employee would come together would be in a tribunal by which time all hope of reconciliation, and keeping the job, would have disappeared.

Mediation is about getting up close and personal with conflict, helping both sides to communicate and look at things in a different way. Rather than continuing adversarial combat, the approach is to bring people together to enable them to generate solutions and build relationships. To jointly plot a way forward out of the conflict. I found the approach refreshing and so much more satisfying.

I needed no convincing of the value of pro bono work. I have seen the relief clients feel when someone is prepared to help, even where the outcome is bleak. It can also bring the law into focus in a way clients can relate to and eases their engagement with an intimidating legal system. To those providing this service, it presents an opportunity to engage with the community and experience the personal satisfaction from the difference they have made.

I now understand how powerful an addition mediation could be to the pro bono armoury with its emphasis on mending fences rather than winning and losing. I can visualise how it could be deployed in any confrontational situation with the potential to transform perceptions and attitudes. The OU gave a flavour of this through 'real' mediation although my expertise still needs some work as can be seen from Extract 1,

'I found there was a danger of the mediator drifting towards the position of one of the clients or being perceived by the other client as doing so. The 'employer' actually said that I was favouring the 'employee'.'

I have also found that mediation's ethical principles align with those which underpin pro bono. Confidentiality, integrity and respect for others stand out but there also qualities that are less apparent. I can see that both require truthfulness and trust from the individuals involved, as well as a recognition of equality. Both empower people to take action and decide their own destiny.

From my own perspective, I can envisage incorporating these values into my pro bono work as well as using some of the behaviours in my everyday life. Perhaps not in a formal mediation setting but using techniques such as asking people to consider the other person's point of view, reflecting on their own behaviour when confronted with an issue and designing win-win solutions. I can see that these strategies could be successful with clients sitting alongside the more formal legal support which has driven them to seek my help.

Extract 2 written last October, gave my first objective for the module as,

'To gain experience of using mediation in a law setting, acquiring the skills which I can carry forward into my activities as a volunteer.'

That's a 'tick' then.