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Shaping a New Type of Hearing: Training Future Lawyers in Online Mediation - insights from a pilot Project

Conference or Workshop Item

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Shaping a New Type of Hearing

Training Future Lawyers in Online Mediation
-insights from a pilot project -

by Allison Wolfreys



Justice in Action

Online mediation pilot project
for our final year LLB students

Written and delivered
by Allison Wolfreys and Bryony
Gilbert

Objectives of today's session

- Snapshot of some of the content
- Explain the design of the sessions and the underlying pedagogy
- Explain how we developed the students' communication skills
- To share student insights into their experiences in the project - observations on the advantages/disadvantages of online mediation

Justice and Mediation

Screenshot
of the Adobe
platform

The screenshot displays an Adobe Connect meeting interface. The main content area shows a presentation slide with the following text:

- The value of silence**
- "It's not the notes, but the spaces in between"**
- (Miles Davis- legendary Jazz musician)**

Below the text is a black and white photograph of Miles Davis playing a trumpet. A small caption below the photo reads: "This Photo by Unknown Author is licensed under CC BY-SA".

The interface includes a top menu bar with options like Meeting, Layouts, Pods, and Audio. A vertical toolbar on the left contains navigation icons. A context menu is open over the slide, listing actions such as Raise Hand, Agree, Disagree, Step Away, Speak Louder, Speak Softer, Speed Up, Slow Down, Laughter, Applause, and Clear Status. On the right side, there are panels for Attendees (1), Hosts (1) (listing Allison Wolfey), Presenters (0), and Participants (0). A Chat 7 (Everyone) panel is also visible at the bottom right. The Windows taskbar at the bottom shows the search bar, system tray, and the time 17:47 on 30/06/2019.



Design, Practicalities & Pedagogy

- Throughout the sessions, students use small group private rooms (breakout) as well as whole group responses and adobe tools
- Role Play
- Modelling
- Actors fully briefed
- Experiential
- Reflective

Content snapshot

Lawyers and Mediators

Values

Techniques

Structure

Challenge of online Mediation
(Employment law dispute)



Jolly Sweets and Greenfield Farm

- Commercial Problem scenario – Law Student Responses

Role of Mediators and Solicitors Compared

Are impartial

Give information not advice

Facilitate sessions but client owns process

Do not create a binding outcomes

Duty of confidentiality with the mediation, but may not keep secrets from the other client

Solicitors

Represent one party

Give legal advice

Controls process – take action on behalf of clients

Creates a binding outcome

Duty of confidentiality to client

Values/ethical issues – ticks, crosses and polls

Ali and Dave are in dispute over a house that Ali rents from Dave. Ali feels the house is in disrepair. Dave claims that Ali has not paid his rent.

Ali is married with a young family

Dave is adamant that he wants Ali out of the property

Ali has limited knowledge of English

Dave is over 80

There is a court order in force preventing Dave from harassing Ali

Ali has an old conviction for dishonesty



Ethics, Suitability and Key Features

- Screening
- Ethical issues and dilemmas
- Suitability for mediation
- Voluntary
- Confidential
- Impartial
- Mediators facilitate, but the participants own the process



Techniques

- Active Listening
- Acknowledging and Mutualising
- Reframing
- Feeding back/clarifying
- Paraphrasing
- Keeping charge, intervening to summarise
- Use the silence
- How to structure the mediation and set the tone
- Provided with character briefs - Nina and Gus and Mediators – why ?

Minis - Carousel

Mini one - in groups of four in breakout rooms – Mediators provide the opening statement and agree the agenda, clients to say a bit about what brought them to mediation

Mini two - exploring the issues and identifying the options


Mini three -agreeing options and reality testing

Mini four - finalising the mediation



You act for 360 mediation service

- The set up, the actors and the briefs.
Organising the full simulated sessions.
- Breakout rooms, for full session.



Outcomes and feedback from the role players

“Exhausting – but fun”

“ It was hard to not advise”

“Ok online rather than face to face, in some ways better”

“I can see how I need to use my voice carefully in the set up.”

“I want to set up a mediation service”

“Can we come back as clients next year”



Overview and Conclusion

- Reflected on the possibilities and advantages of online mediation to solve some types of disputes
- Successful project that trained future lawyers in constructive mediation techniques



Any Questions ?