



Hollier and Hart

We help people make progress on complex and difficult issues.

Our Principals, Fiona Hollier and Phillip Hart, are Nationally Accredited Mediators.

- Mediation
- Dealing with complex multi-party issues
- Conflict coaching
- Facilitation
- Community / stakeholder engagement
- Team development
- Strategic planning
- Group consultation and decision making processes
- Skills development.

We have supported a wide range of private and public sector organisations in achieving their goals.

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We are based in Sydney, Australia, and undertake projects in regional and interstate locations.

Mediation: Research into effectiveness and satisfaction

New Australian research on mediation in disputes filed in the Supreme and County Courts of Victoria.

The vast majority (80%) of disputants felt satisfied with the mediation process and how it was handled.

Mediation led to settlement of more intractable and difficult disputes (by age of dispute and the number of court events).

The results in brief

- ✓ Mostly, mediation helps resolve or limit disputes, is accessible, is considered by the parties to be just and fair, uses resources efficiently and achieves outcomes that are lasting, effective and acceptable
- ✓ Disputants and their representatives supported mediation processes and felt the outcomes were mutually beneficial
- ✓ Mediation brought significant cost savings

The research considered 553 case files, 98 respondent surveys, 34 mediator surveys, direct interviews, focus groups and a literature review.

Some of the findings:

- A number of different processes are called 'mediation' some of which were more fair, efficient and effective than others; only nationally accredited mediators should be used, to enhance quality
- Most participants indicated that they wished to participate 'more' in the mediation process
- Mediation processes where parties are empowered and learn negotiation, may reduce litigious behaviour
- Mediation is generally perceived to be "fairer" than other processes
- Typically, defendants are more likely than plaintiffs to feel that there were able to participate, and that they had control
- Mediation should be referred early particularly where the parties have some sort of relationship (family, business or other)
- Younger disputes tended to be finalised more at mediation; early referral to mediation helps resolution
- Mediation may be less suitable where a party is mainly seeking declaratory relief

The Research Report explores how mediation is used and focuses on whether mediation processes used in disputes:

- *resolved or limited the dispute*
- *were accessible*
- *were considered by the parties to be just or fair*
- *used resources efficiently and promoted lasting outcomes*
- *achieved outcomes that were effective and acceptable*

T. Sourdin, Mediation in the Supreme and County Courts of Victoria, Department of Justice, 2009 page (i) - available at www.justice.vic.gov.au