



# 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  
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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 shows an Adobe Connect meeting window titled "LLB-TUTORS LLB tutor online room (Sharing) - Adobe Connect". The main content area displays a presentation slide with the following text:

- mediation+tutorial+3.ppt
- Draw [icon] Stop Sharing [icon]
- The value of silence
- "It's not the notes, but the spaces in between"
- (Miles Davis- legendary Jazz musician)
- 
- [This Photo by Unknown Author is licensed under CC BY-SA](#)

On the right side of the window, there is a sidebar with the following sections:

- Attendees (1): Allison Wolfpeys
- Active Speakers
- Hosts (1)
- Presenters (0)
- Participants (0)
- Chat 7 (Everyone)

The bottom of the window shows a Windows taskbar with the search bar, taskbar icons for Edge, File Explorer, Spotify, PowerPoint, Word, and Teams, and a system tray showing the time as 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 ?

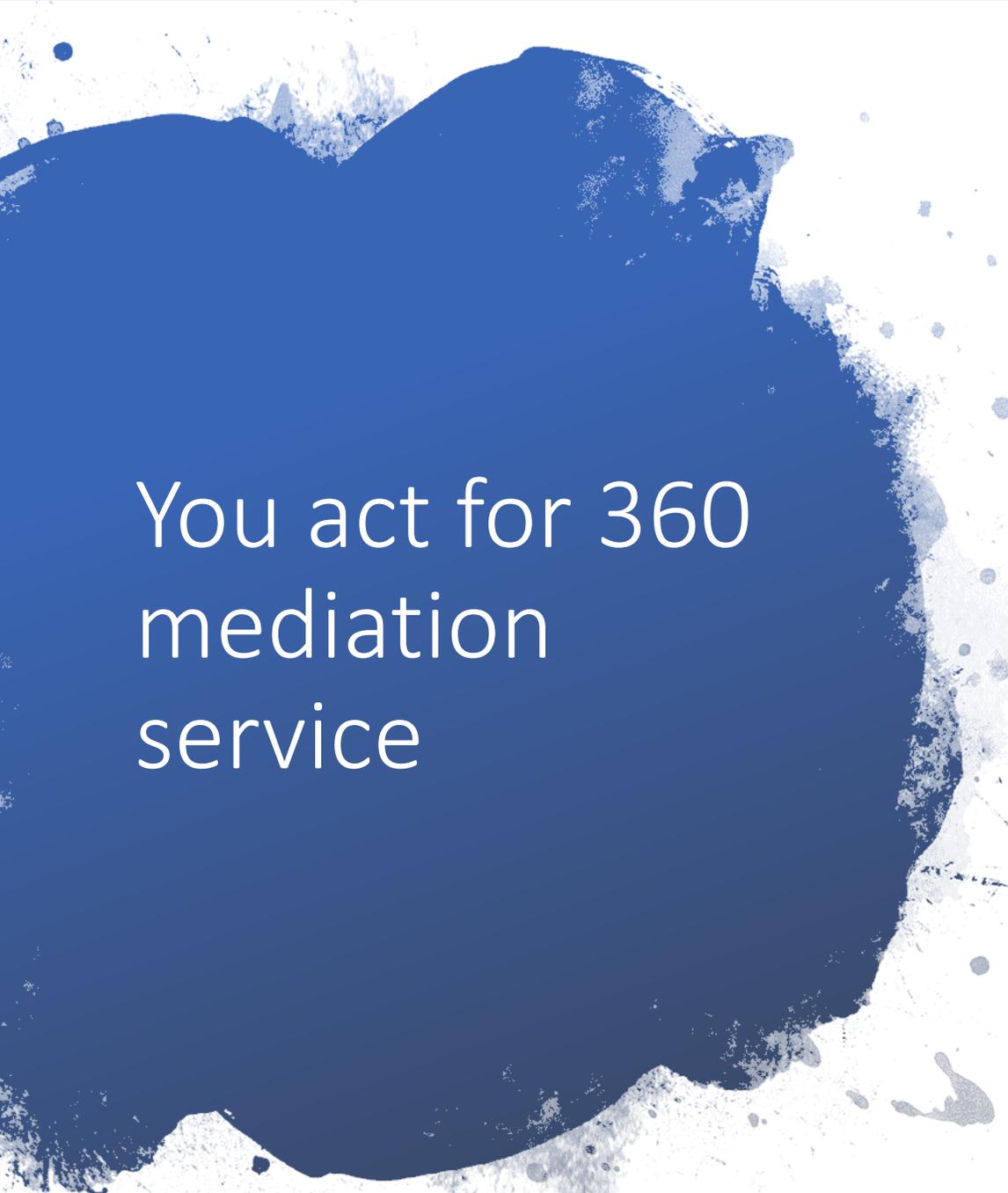
# Minis - Carousel

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 ?