

7-1-2004

## Refreshing the palate: skills and strategies for mediators

Laurence Boulle

*Bond University*, [Laurence\\_Boulle@bond.edu.au](mailto:Laurence_Boulle@bond.edu.au)

---

### Recommended Citation

Boulle, Laurence (2004) "Refreshing the palate: skills and strategies for mediators," *ADR Bulletin*: Vol. 7: No. 2, Article 5.  
Available at: <http://epublications.bond.edu.au/adr/vol7/iss2/5>

This Book Review is brought to you by [ePublications@bond](mailto:ePublications@bond). It has been accepted for inclusion in ADR Bulletin by an authorized administrator of [ePublications@bond](mailto:ePublications@bond). For more information, please contact [Bond University's Repository Coordinator](#).



## Book review

# Refreshing the palate: skills and strategies for mediators

Laurence Boule

**Review of  
Ruth Charlton and  
Micheline Dewdeny,**

***The Mediator's Handbook  
– Skills and Strategies  
(2nd ed, 2004),  
Law Book Co, Sydney***

This new edition of a well-established text contributes to the lengthening list of Australian ADR literature. It brings to life many facets of the mediator's craft and will be appreciated by the numerous Australian mediators and conflict managers who need to be refreshed in their occupational lives.

The first thing to strike the reader familiar with the first edition is the attractive new format of the book and all concerned are to be complimented on its lively and striking new cover and house style.

As regards its content the new work covers all the topics featured in the first edition, reorganises the subject matter to some extent, and expands several areas with new topics, notably the treatment of the co-mediation process, the pre-mediation component and the discussion of neutrality and power under the 'special mediation issues'. This produces a more comprehensive text which provides both beginner and advanced mediators with a 'how to do' book from alpha to omega. Part 1 deals with The Mediation Process and its Practical Application, Part 2 with Procedural Variations to the Mediation Process, Part 3 with Pre-mediation, Part 4 with Mediator Skills and Strategies and Part 5 with Special

Mediation Issues. There is an Appendix with pro-forma documents and standard form agreements and the book passes the 'index test' with flying colours.

The overall style is similar to that of the first edition in that the authors explain a concept, illustrate it with a case study, provide model language for its application and provide lists of 'Dos and Don'ts' – although these are not overdone. There is of course some variability in this format but it serves the subject matter well. It also allows the practitioner, before, during or after a mediation, to dip into a relevant section and receive inspiration just in time, or perhaps for the next time. It is pleasing to have the 'Garfield' and 'yerbut' doctrines maintained and not relegated to the great dump of the arcane, antiquated or trivial.

What is most impressive about this text is the sense of confidence which the authors bring to the subject-matter. Both authors have walked the walk before attempting to write the talk. Over the past two decades they have, as reflective practitioners, travelled the arduous journey through countless mediation experiences and have systematised their practices to provide a text rich in case studies, anecdotes and simple practical wisdom. As ever, mediation 'failures' (always a relative concept in our world) have provided their own insights and these are happily admitted to and analysed so that they can be avoided by others.

The approach of the authors is to find the commonality in the many diverse areas of mediation practice –

planning, workplace, commercial, family and so on. There is a strength in this approach in that good cross-fertilisation comes from examining diversity. This is also the customary approach in this country which differs from that in some European countries where they tend to examine the theory and practice of mediation in terms of its discrete areas, for example family mediation or commercial mediation. The local approach has many benefits, although the time may well come when we look for handbooks for mediators in the specialised areas. One area which deserves such specialist treatment is native title mediation which, interestingly, is not mentioned in this book.

As mediation and conflict resolution move into new levels of sophistication there are difficult boundary issues in relation to what should and should not be covered in discussing them. There is always a challenge in writing a book on skills and strategies in the extent to which the authors could or should delve into the immense interdisciplinary writings relevant to the topic. As noted above, the authors have indeed expanded the contours of the book by referring to matters such as power and neutrality, but more generally they have elected not to range into cognate disciplinary areas. This certainly makes sense in terms of length and resources. It is in any case difficult to enter into related disciplines where there are conflicting theories which make it difficult to draw on explanatory theories for why mediators do certain things and why they work. However it might be that there is scope for referring to some of the secondary sources in the fields of cognitive psychology or game theory for future editions of skills books such as this.

Another challenge relates to the issue of cross-cultural factors in mediation practice. Much mediation theory and many mediation techniques are culture-specific and do not easily

cross the great cultural divides. Again the authors have not addressed this issue directly and may need to do so as Australian mediation practice comes to terms with its multi-cultural realities.

Beyond this it tends to be a matter of personal taste. Some readers might

What is most impressive about this text is the sense of confidence which the authors bring to the subject-matter. Both authors have walked the walk before attempting to write the talk.

have liked to see more on the growing field of online mediation which challenges many of the theoretical assumptions in the discipline and requires further skilling for practitioners. Others might have liked to see more in a 'how-to' book on the development and maintenance of a practice in mediation. And yet others might have wanted a little more on those areas in which regulation of various kinds, including codes of conduct, is influencing the behaviour of practising mediators. However no text can accommodate all tastes and within its terms there is excellent coverage of relevant topics.

There are not only some excellent practical insights in this text but also a welcome level of wisdom. Ruth and Micheline are not only pioneers of mediation in this country but they have maintained a vitality and freshness which is catching. Congratulations to both on their second-born. ●

*Laurence Boule is editor of the ADR Bulletin and can be contacted at <laurence-boule@bond.edu.au>.*



## diary and happenings

- The **Australian Centre for Peace and Conflict Studies** at the University of Queensland has appointed **Nadja Alexander** as Professor of Dispute Resolution and Director of ADR and Practice.
- The **Centre for Information Technology and Dispute Resolution** has launched its new **ODR Working Papers** initiative to supplement its ODR Monthly online journal. The initiative is open for submissions on ODR related material or news for publication on a regular basis. See <[www.odr.info/papers.php](http://www.odr.info/papers.php)> for more details. Please send working papers to <[katsh@legal.umass.edu](mailto:katsh@legal.umass.edu)> or <[gaitenby@disputes.net](mailto:gaitenby@disputes.net)> for submission.
- The **Centre for Effective Dispute Resolution (CEDR)**, UK, is holding its **9th International Summer School** on 22–28 August 2004 at Lake Maggiore, near Milan, Italy. The cost of the program is £4510 which includes training materials, a copy of The CEDR Mediator Handbook, six nights five-star accommodation and all meals. There are only limited places. Visit <[www.cedr.co.uk](http://www.cedr.co.uk)>, email <[training@cedr.co.uk](mailto:training@cedr.co.uk)> or call +44 (0)20 7536 6000 to register or for more details.
- The **Asia Pacific Mediation Forum** has launched the first edition of its **Online APMF Bulletin** which can be accessed at <[www.unisa.edu.au/cmrg/apmf/Bulletin1\\_May2004.pdf](http://www.unisa.edu.au/cmrg/apmf/Bulletin1_May2004.pdf)>. The APMF holds biannual conferences in the Asia Pacific region, and membership of the APMF entitles you to membership of the World Mediation Forum, which also holds biannual conferences. All are welcome to become a member of the APMF or to submit items of interest for the Online APMF Bulletin.
- The **Association for Conflict Resolution** will be holding the **ACR Fourth Annual Conference** on 'Valuing Peace in the 21st Century: Expanding the Art and Practice of Conflict Resolution' on 29 September to 2 October 2004 at the Sacramento Convention Centre, Sacramento, California. See <[www.acrnet.org](http://www.acrnet.org)> for more details.
- The **Institute for the Study of Conflict Transformation, Inc** at Hofstra University School of Law is hosting the **First National Conference on Transformative Mediation** entitled 'Looking Back, Looking Forward: Transformative Practice Ten Years after "The Promise of Mediation"' on 7-8 November 2004 in Philadelphia, PA. For more information visit <[www.transformativemediation.org](http://www.transformativemediation.org)> or email <[jenniferjorgens@earthlink.net](mailto:jenniferjorgens@earthlink.net)>.
- The **International Bar Association** published its **Guidelines for Conflicts of Interest in International Arbitration** on 12 July 2004. The guidelines can be found at <[www.ibanet.org/pdf/InternationalArbitrationGuideliens.pdf](http://www.ibanet.org/pdf/InternationalArbitrationGuideliens.pdf)>.

**PUBLISHER:** Oliver Freeman **PUBLISHING EDITOR:** Linda Barach **PRODUCTION:** Kylie Gillon **SUBSCRIPTIONS:** \$495.00 per year including GST, handling and postage within Australia **FREQUENCY:** 10 issues per annum including storage binder **SYDNEY OFFICE:** 8 Ridge Street North Sydney NSW 2060 Australia **TELEPHONE:** (02) 9929 2488 **FACSIMILE:** (02) 9929 2499 [adr@richmondventures.com.au](mailto:adr@richmondventures.com.au)  
**ISSN 1440-4540 Print Cite as (2004) 7(2) ADR**

This newsletter is intended to keep readers abreast of current developments in alternative dispute resolution. It is not, however, to be used or relied upon as a substitute for professional advice. Before acting on any matter in the area, readers should discuss matters with their own professional advisers. The publication is copyright. Other than for purposes and subject to the conditions prescribed under the *Copyright Act*, no part of it may in any form or by any means (electronic, mechanical, microcopying, photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted without prior written permission.

Inquiries should be addressed to the publishers. Printed in Australia  
 ©2004 Richmond Ventures Pty Limited ABN: 91 003 316 201

**Richmond**