



Mediation Training Workshop

In General

Under Turkish law, only trained and accredited lawyers can become mediators and be listed in the registry of the Ministry of Justice. Participating and successfully completing the requisite 78 hours of training is compulsory first step to become a “certified mediator” by the Turkish Ministry of Justice. The second step is participating in the competitive national mediation examination in which around 30.000 candidates compete and only 5.000 are successful in each two years. At the moment, there are sixteen thousands mediator certified by the Ministry of Justice.

The curriculum and modules of the Mediation Training Programme, training materials and tools for the mediation training in Turkey was created reviewed and improved by the Project Team of the Council of Europe, together with representatives from the Ministry of Justice, academicians, and trainers from different universities, the national curriculum development experts. A draft curriculum, which was previously prepared with the co-operation of the curriculum expert and the CEPEJ experts,

This course (workshop) explore the practice of mediation in emphasizing the policies underlying these increasingly significant and evolving area. It teaches how to identify actual legal dispute as well as the nature of the parties and their relationship. It instills essential mediation skills to identify, negotiate and draft specific to a contemplated business transaction or actual dispute. It provides participants with an in-depth examination of the rules guiding behavior in various mediation processes. It allows participants to gain hands-on mediation experience in legal settings of Turkey and international mediation bodies. It introduces the basic approaches to evaluating cases in the mediation context. It brings an international perspective to understanding the impact of culture in the most commonly used international and domestic mediation practices. This course examines methods of effective mediation used in other countries and compares them to those employed in Turkey.

The course covers not only legal aspect of mediation but also practical aspects such as the methods of effective dispute resolution, employing systematic techniques, how to bring parties together to discuss and negotiate, the ways of establishing a communication process between the parties in order to ensure that they understand each other and find their own solutions. Course content is divided into Knowledge Development and Skills Development topics

Course Objectives:

- Understanding of the underlying policies and legal ramifications for the range of dispute resolution options that are available
- Understanding of the wide variety of dispute resolution policies and issues that affect practitioners engaged in mediation
- Gaining adequate skills for conducting effective mediation

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- Ability to apply concepts, tools and principles of management necessary for leadership in mediation
- Explaining the mediation process,
- Demonstrating mediation techniques,
- Discussing a variety of practical issues related to mediation
- Sharing the best practices developed over the years in the U.S. and other countries along with the lessons learned from mistakes

Who Should Attend?

- Legal professionals
- In-house lawyers
- Mediators
- Arbitrators
- Judges
- Executive managers
- Business continuity management practitioners
- Those involved in drafting of contracts

Duration:

8 hours lecturing/knowledge input/presentation +
32 hours exercises and discussion +
40 hours role-playing, coaching and feedback =
80 hours in total

This hours does not include pre-course preparation, lunch and breaks.

Group Size:

Each course have a maximum class size of 28 students, with the trainer - student ratio of 1 trainer to every 7 participants.

Teaching Methods:

The training course is participatory, interactive and learner focused. A variety of teaching methodologies is used, including lecturing, videos, interactive exercises, individual work, group discussion, talking in pairs, and role-playing. The following percentage of time is spent on these different approaches to training delivery:

Lecturing/knowledge input/presentation - approximately 10%.

Exercises and discussion - approximately 40%.

Role-playing, coaching and feedback - approximately 50%.



Content Day by Day

First Week

Day One : 6 hours

- An overview of negotiation and conflict resolution theory
- Mediator ethics, including any appropriate ethical standards existing in the region in question.
- Conflict resolution methods

Day Two : 6 hours

- Mediation term and history
- In general alternative dispute resolution methods and the place of mediation in these methods

Day Three : 6 hours

- Eligible disputes for the mediation
- Types of mediation

Day Four : 6 hours

- Mediation agreement
- Mediation Department and Mediation Registry

Day Five : 6 hours

- Basic principles in the mediation process (neutrality, its voluntary nature, confidentiality, party self-determination, ...)
- Who is the mediator? What are the qualities that the mediator should have? (Analytical thinking, active listening with empathy, silent communication and reframing concepts)
- The opening statement by the mediator, the steps of mediation and the mediator's role within each step

Second Week

Day Six : 5 hours

- Contribution of psychology and psychology to mediation process, developmental processes, social influence, roles, adaptation, group behavior; emotions, stress, anger; verbal and nonverbal behavior, asking questions
- Overview of the mediation process (preparation and review stages and preparation of the mediation plan)

Day Seven : 5 hours



-The concept of analysis and analysis techniques (Research and data collection methods and their application)

- A detailed overview of the review stage and methods that may applied to determine the interests of the parties

Day Eight : 5 hours

- Party representation in the mediation and compulsory mediation

- The roles of legal counsel and representatives

- Negotiation types and strategies

Day Nine : 5 hours

- Harvard negotiation model

- Final stage in mediation, preparation of final minutes and agreement document, execution of the agreement document

Day Ten : 5 hours

- The contract signed at the end of the mediation and the legal nature of that contract

- Ethics and gender discrimination in mediation

Third Week

Day Eleven : 6 hours

- The contract signed at the end of the mediation and the legal nature of that contract

- Ethics and gender discrimination in mediation

Day Twelwe : 5 hours

- Some issues that need to be addressed in relation to mediation activities in family law, labor law and commercial law

- Practice studies

Day Thirteen : 5 hours

- Forms of listening skills and communication strategies

- Ways of responding to the diverse behaviors of the parties.

Day Fourteen : 5 hours

- Process management skills including but not limited to the use of joint and private meetings

Day Fifteen : 4 hours

- Negotiation strategies and skills to manage the content of the dispute