

Pracademia



Triggers

Why are you doing it?

Environment

*Where are you
located?*

**The justice
system**

Who are you serving?

The model

(How) does it work?

Triggers: why start a mediation clinic?

Student
demand

*‘The sincerest
form of flattery’*

Apprenticeship
of identity

Service to
society

More than
technique:
‘who you are’

Ethics:
‘what do I
do now?’

Salience:
‘making it
count’

“Settling disputes is essentially a legal task, whilst reducing and managing conflict is a social welfare task.”

Janet Walker

Environment

The background of the slide shows two people from behind, standing on a balcony or terrace. They are looking out over a cityscape under a bright, slightly hazy sky. The person on the right is wearing a blue shirt and glasses, while the person on the left is wearing a dark jacket. The overall tone is professional and contemplative.

Why Strathclyde?

The place of useful learning



UNIVERSITY OF STRATHCLYDE LAW CLINIC

PROVIDING ACCESS TO JUSTICE IN GLASGOW AND THE SURROUNDING AREAS



GGSL

'the correspondence, in some way or other, of learning to the world of practice that exists outside of teaching institutions' Barton et

al (2007). Authentic Fictions : Simulation , Professionalism and Legal Learning. *Clinical Law Review*, 14, 143–193.



The justice system

Relationships



Reform

“Parties are to be encouraged to settle their disputes by negotiation or alternative dispute resolution, and should be able to do so throughout the progress of a case.”

What difference has it made?

2019/20

Mediation Clinic



The University of Strathclyde Mediation Clinic is a free, student-led mediation service for the Greater Glasgow area. The Clinic aims to help people resolve disputes without going to court or tribunal.

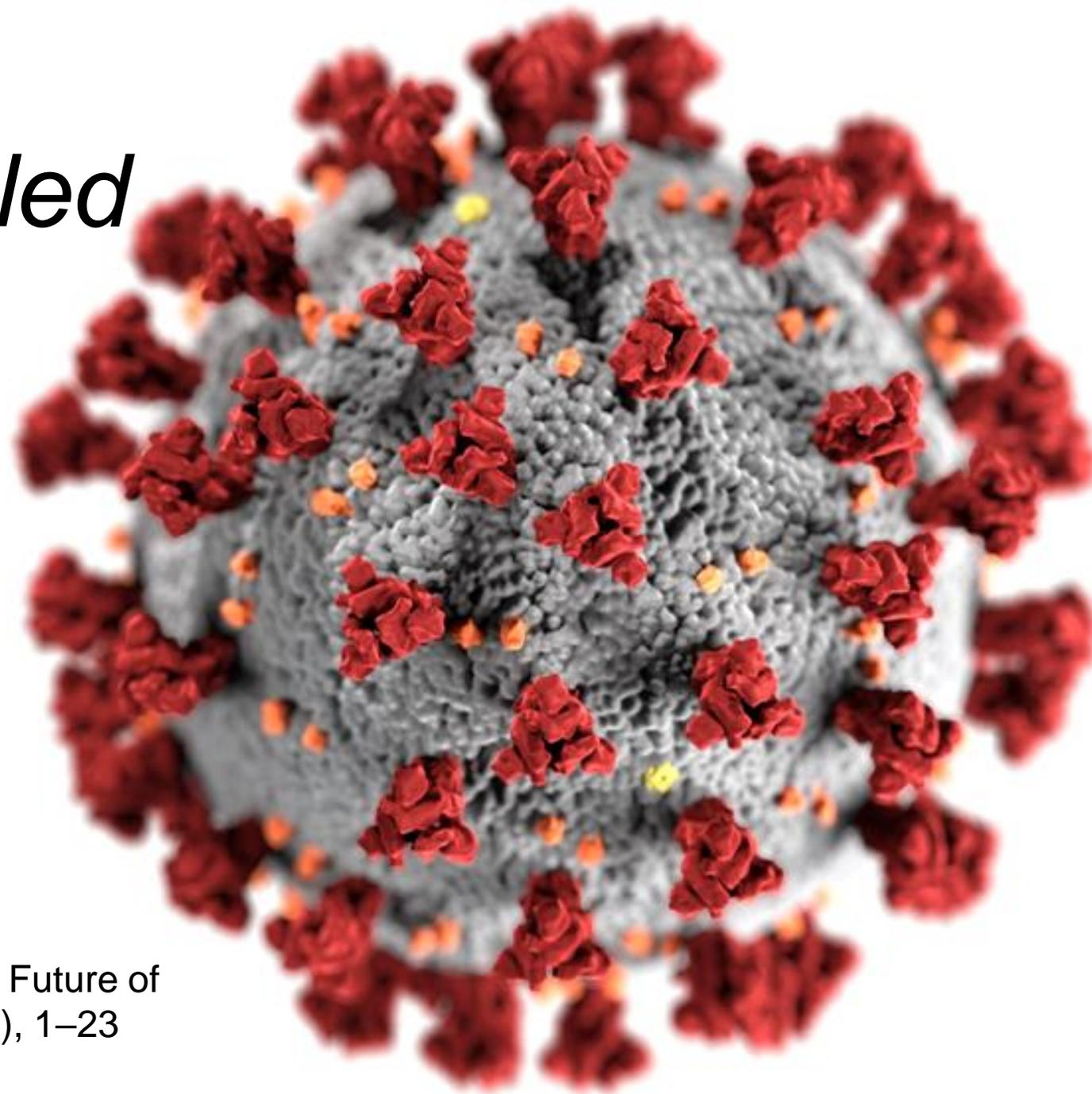
*7 sheriff
courts*

156 referrals

60 mediations

44 settled

*”a huge
unscheduled
pilot”*



Susskind, R. (2020). The Future of
Courts. *The Practice*, 6(5), 1–23

Oct 20-Feb 21

*11 sheriff
courts*

*92
referrals*

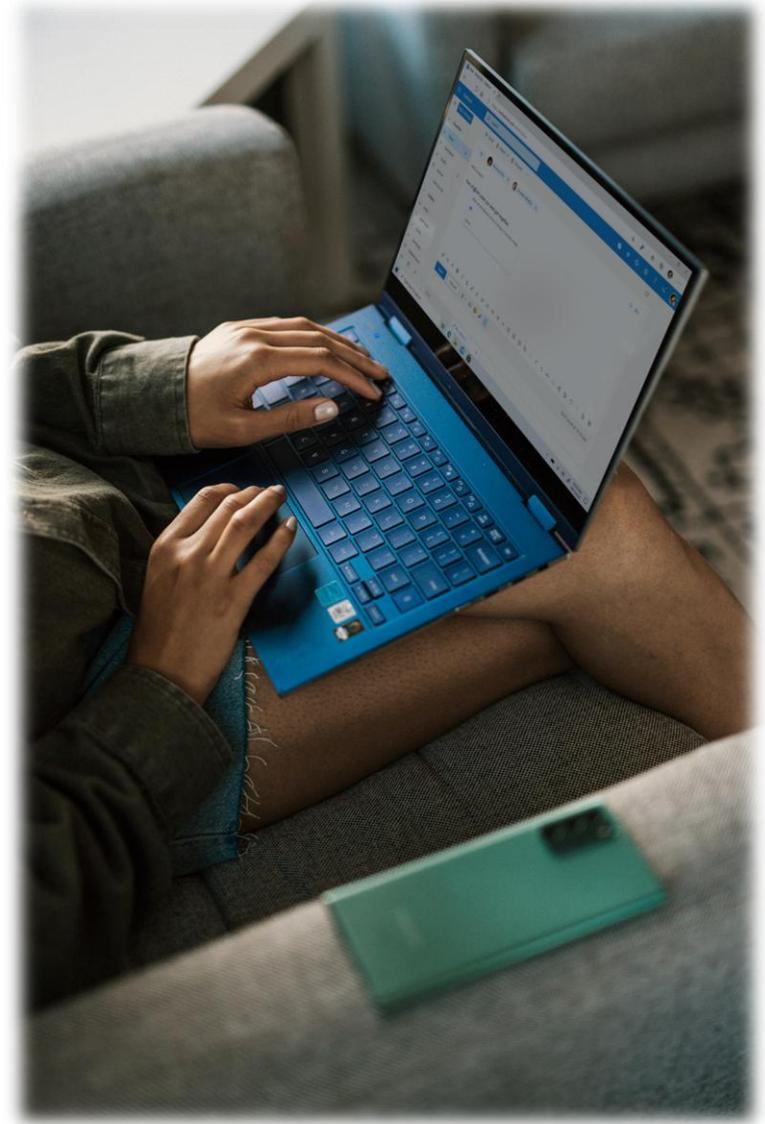
28 mediations

15 settled

“mediating in your jammies”

Quaintance Z (2019) *SXSW 2019: Utah , ‘ Pajama Court ’ and Resolving Cases Online. Government Technology*. Available at: <https://www.govtech.com/civic/SXSW-2019-Utah-Pajama-Court-and-Resolving-Cases-Online.html> (Accessed: 31 October 2020)

Colin Rule (2020) Online Dispute Resolution and the Future of Justice. *Annual Review of Law and Social Science* 16, 278–292



The Model



Lead/student

Reflective

pr

Mediator review form

The purposes of this form are:

1. to provide you with an opportunity to think through what happened as a learning exercise and reflect on what strategies you might use again and which you might want to improve
2. to provide other mediators with an idea of different strategies which may be useful in their own mediations.

Please complete and submit this form within 48 hours of the mediation. The form is for the eyes only of mediators, and any individuals assisting the mediators' review of the conduct of the mediation, all of whom are subject to a duty of confidentiality.

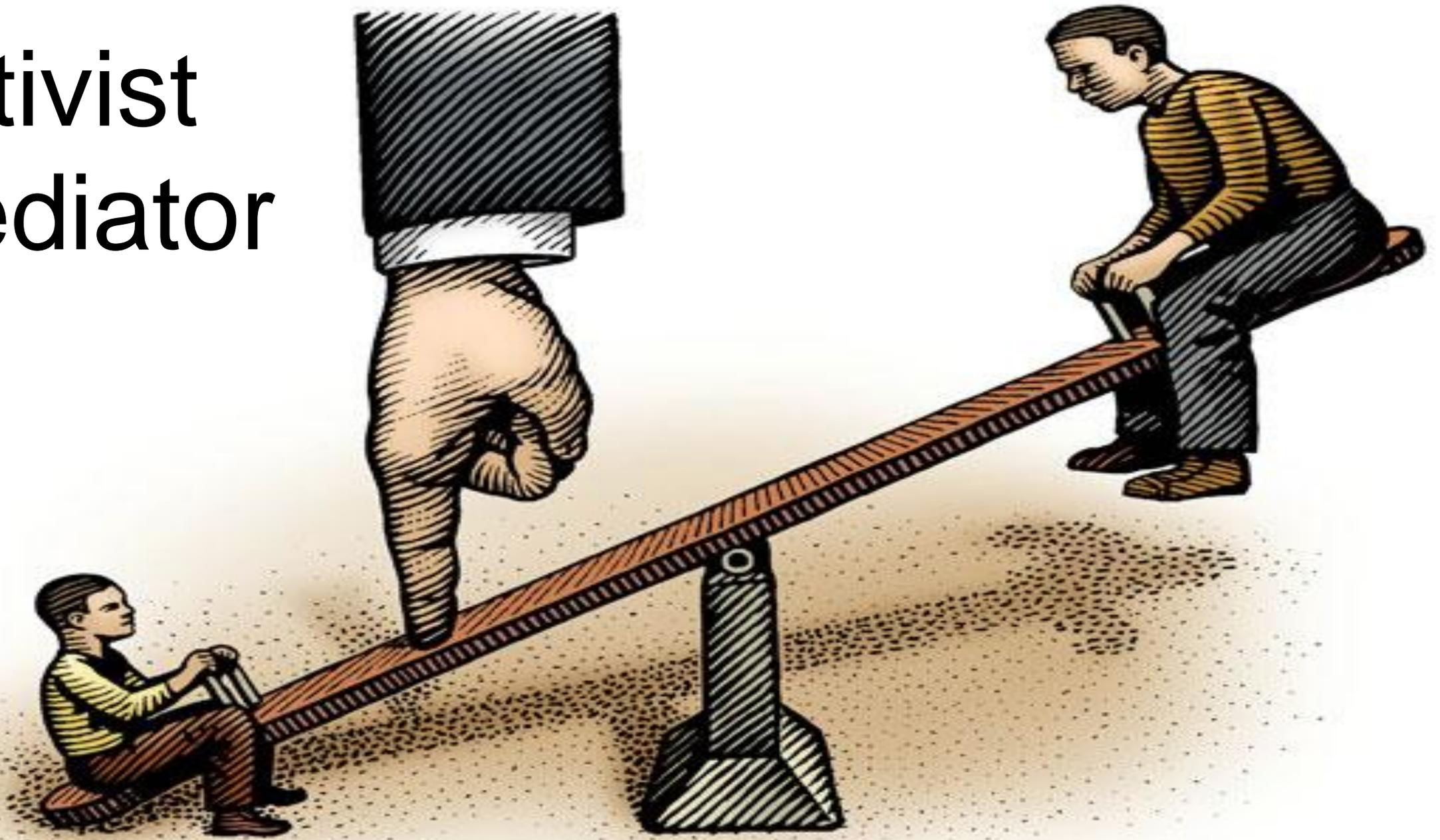
When completing this form, please ensure that anonymity of the parties is maintained.

Feel free to expand any section.

Lead Mediator		Date of Mediation	
Student Mediator		Sheriff Court Case No	
How long did it last?			
Subject matter of case			
Structure of meeting (eg joint, separate rooms, telephone, location)			
Result			
Initial sum sued	Agreed financial settlement (if any)		
Areas for improvement in administration			

Brief outline of the dispute
<i>Please write a case summary of the mediation (taking into account confidentiality). What were the key turning points?</i>
<u>Summary</u>
<u>Subtext</u>
From Party A's viewpoint:
From Party B's viewpoint:
What did you do that was effective? (e.g. methods you used, things you said)
What was less successful? (A key part of our learning comes from experimenting and sifting what worked from what didn't.)
What were the learning points for you as mediator?
What are the learning points for the Clinic or the Sheriff Court?
Any other comments?
Feedback from Director

Activist mediator



**How much
are you
prepared to
risk?**

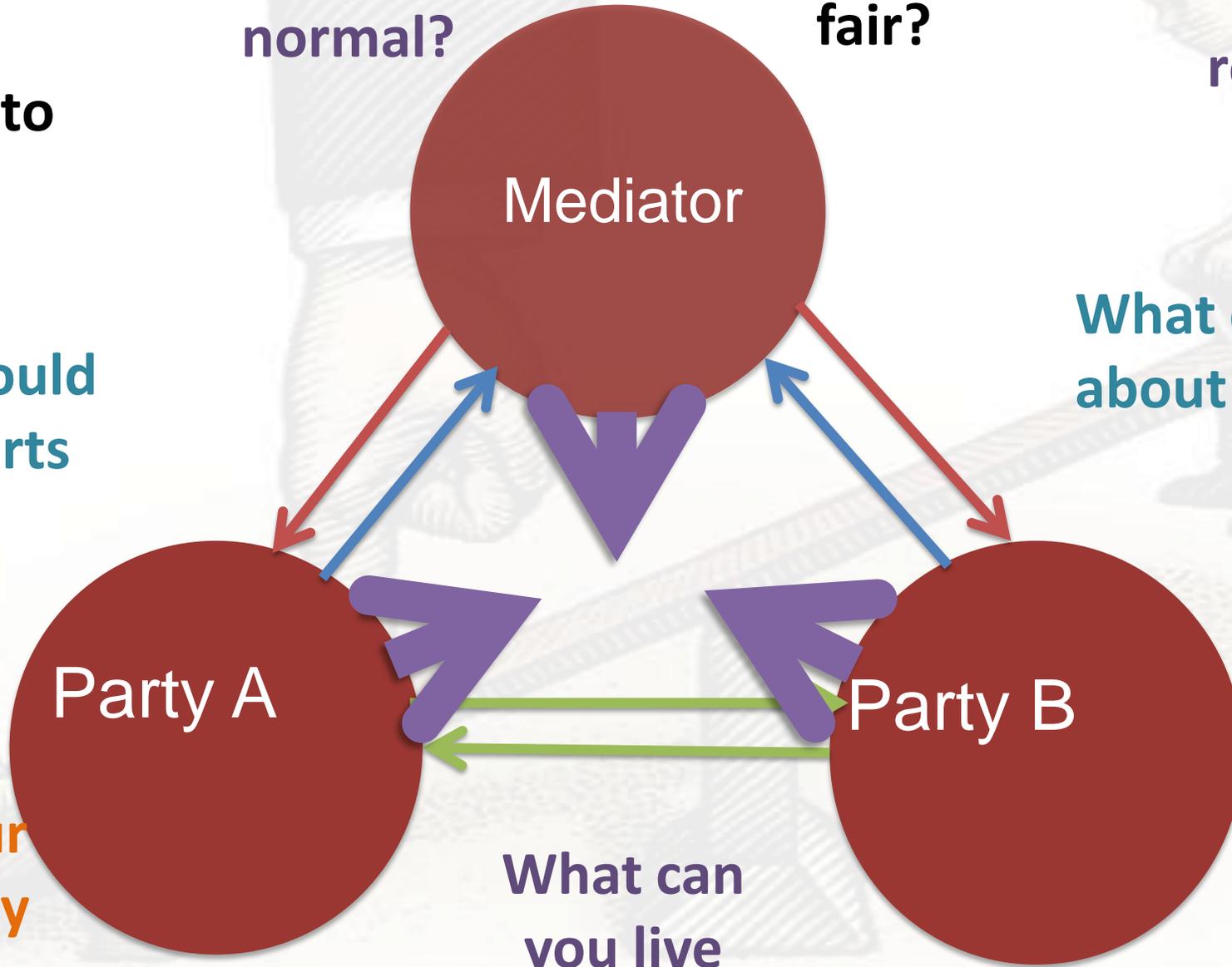
**What's
normal?**

**What's
fair?**

**What's
realistic?**

**What would
the courts
do?**

**What does this say
about you?**



**What will your
partner/family
think?**

**What can
you live
with?**

**How will that
work in
practice?**

Strategic Vision

Strategic Objectives

Bringing society into academia “A Place of Useful Learning”

Enhancing the educational offering: Mediation Masters and Law Undergraduate

Bringing academia into society Useful service to society

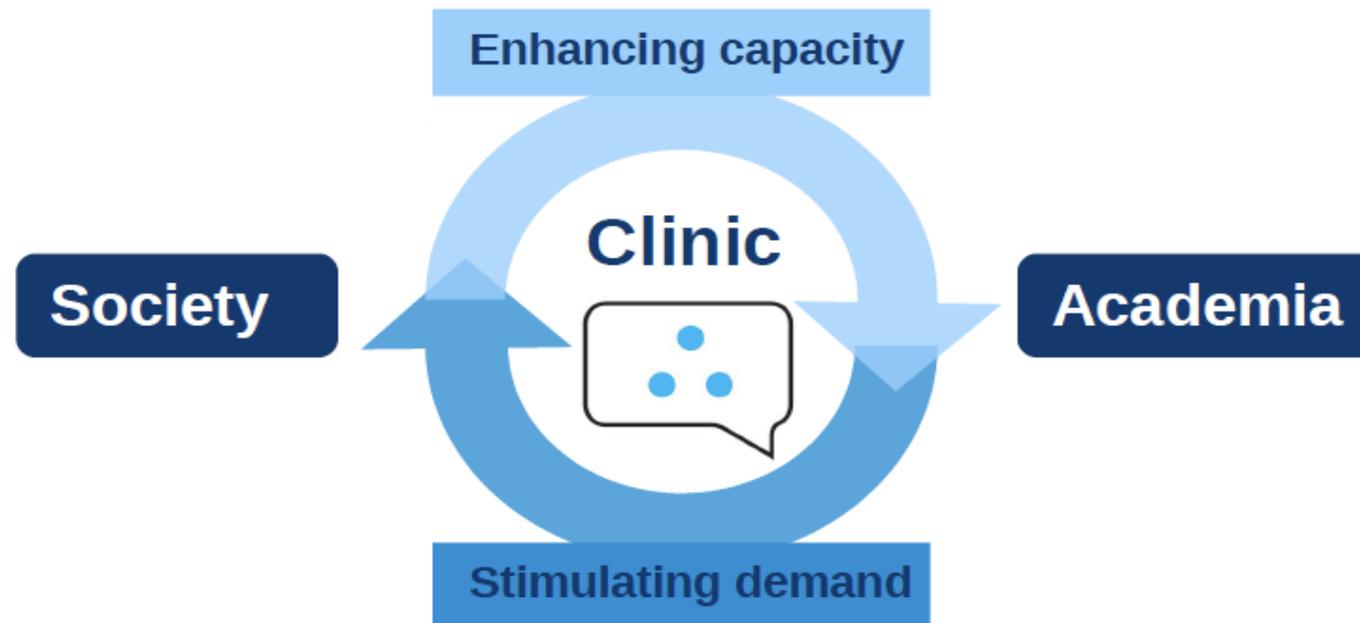
- Service to community via Clinic mediation service
- Modelling the value & use of mediation in society & justice system: Convincing Legal profession that mediation is an option

Enhancing capacity

More mediation practitioners

Stimulating demand

More mediation consumers



Stakeholders – Who Are They?

University

- Faculty
- University Sr Mgt
- Mediation students
- Clinic Strategic Board
- Law students
- Law School Centres

Legal Profession

- Mediation skeptics
- Neutral lawyers
- Mediation advocates

Justice System

- Sheriffs/Courts
- Housing Tribunal
- Employment Tribunal

Funders

- Alumni Fund
- SafeDeposits Trust
- Potential funders

Mediators

- Professional mediators
- Pro bono mediators
- Alumni
- SMN, SACRO, SCCR, Relationship Scotland

Referrers/Advice

- Citizens Advice Bureau
- Law Clinic
- Social workers
- Charities
- Other advice bodies

Client Organisations

- City Council/local govt
- Scottish Govt
- NHS
- Elderly care system

Supporters

- Clinic Advisory Board

