



THE VALUE OF INADR



MANDATORY MEDIATION



WRITING CASES FOR TOURNAMENTS



THE SHAPELY VALUE

INADR  
REFLECTIONS  
REFLECTIONS

LAW STUDENTS PARTICIPATING IN THE ILSMT IN LOYOLA, 2020

INADR

the Peacemaker Quarterly

*The mission of INADR is to build, through education, world-wide recognition of the power of dispute resolution processes to peacefully resolve conflicts and promote conciliation and healing.*



# The Value of INADR

Mary Lou Frank, Ph.D., INADR President,  
Psychologist, Mediator, Professor



**M**ediation has always existed as a refuge, a respite in an environment of conflict. When INADR began, it was a dream of Dick Calkins and Fred Lane to create an opportunity for students to experience the value of mediation. He and a team of others including current Executive Committee Member, Ken Frank, developed a tournament model that engaged students in a process where they learned about mediation and then practiced it. What students learned though, was not just the value of mediation, although that was always important. They learned the value of relationships and connections. When they learned about the value of listening in facilitating the mediation, they practiced the skill in hearing about the lives of other participants from other countries. When students learned that compassion and respect were important to help parties come to a resolution of conflict, they used these vital skills in how they forged relationships with students from different backgrounds, cultures, and religions at the mediation tournaments. When they learned about the importance of negotiating, they committed to negotiate the different time zones to stay connected with new contacts and friends they had made at the INADR tournament. INADR taught students skills that enabled them to be better leaders, lawyers, scholars, employees, and team members. But, probably most importantly, it helped individuals to realize that they have much to learn from people who have different perspectives. It was a common occurrence for students to all eat together, stay connected through Facebook/Instagram/Twitter/WhatsApp and email, and deepen their relationships. I'm certain this was the early goal of INADR, to help future leaders learn to connect across boundaries.

INADR is the oldest and one of the most respected mediation training and tournament organizations globally. Still, our strength is in our people and the connections we have with each other and the ones we have yet to build with the next group of students, the future leaders of our world. .

It has been a sincere pleasure and honor to work with an incredible team as president, the past two years. The Executive Committee has been dedicated and engaged in providing sixteen excellent tournaments and training opportunities for students. Dennis Favaro is the President Elect and has already proven his dedication to the organization's mission, the people, and the continuation of an important legacy. I look forward to continuing to connect with each of you at the iNADR tournaments and training programs. Mediation is a place to forge and grow connections and at a time when illness, human rights, and economic stressors have unsettled our world, it is even more important. Peace be with you, dear friends.

*Be a part of  
our Virtual  
Tournaments  
!*

# Mandatory Mediation in Family Disputes: A Lithuanian Approach to Foster an Amicable Resolution

Prof. dr. Agnė Tvaronavičienė (Mykolas Romeris University, Lithuania)

Kateryna Manetska (Mykolas Romeris University, Lithuania)



One of the greatest features of mediation is that it serves not only as a way of dispute resolution but also as a guardian of human relationships. It is therefore not surprising that mediation is a proper choice for resolving conflicts in such a complex social phenomenon as the family. High emotions, the involvement of children, personal attitudes, and old grudges are often the reasons that family disputes are extremely complicated and need an 'out of the box' approach to deal with them.

Although mediation has already acquired a reputation of an effective tool for amicable family dispute resolution, there are many countries with strong litigation-oriented traditions, where it is harder to promote the idea of mediation. In these countries, mediation faces certain obstacles. For this reason, the model of mandatory mediation could be an effective step for changing the perception in society and encouraging more and more individuals to use mediation.

However, there are a lot of discussions concerning this way of fostering mediation. There is a perception that compulsory mediation is completely contrary to the nature of mediation itself. Mandatory mediation ruins the process, ultimately divesting mediation of most of its advantages. Still, it is important to keep in mind that the mandatory nature of mediation does not necessarily mean that parties cannot act on their own will during the process. If there is a lack of progress, they can freely leave the mediation session. Neither party is forced to reach the outcome, but definitely, there is no harm in trying to mediate. The mere fact that mediation is ordered cannot force the outcome of the process, instead it may turn the parties on a new path for their relationships.

The practice shows that mandatory mediation has a real effect in fostering use of mediation. Despite existing discussions concerning the controversy between the principle of voluntariness and the obligation to enter into mediation, it should be noted that such an approach has already had good results in several jurisdictions.

Among European countries, Italy's experience is remarkably notable as it has gone through many obstacles on the way to implementing mandatory mediation. In 2010 Italy introduced this system in several categories of cases, which later on was declared as unconstitutional due to the overriding of powers by the authorities. In addition, it faced strong opposition from the lawyers' community. The second attempt was initiated in 2013 and this time it was rather successful. Nowadays, according to the legislative provisions, the parties are required to attend an obligatory initial meeting with a mediator, where they together with a mediator explore the potentials of future settlement. Then parties can decide either to continue mediation via regular sessions or to opt-out and enter the courtroom.

Another example of a recent implementation of mandatory mediation occurred in Greece. In 2019 the new scheme of mediation was introduced. It provides that all civil and commercial law disputes can be voluntarily submitted to mediation as long as the parties have the authority to dispose of the subject of the dispute. Family disputes, with the exception of matrimonial disputes, relating to divorce, annulment of marriage, recognition of the existence or nonexistence of marriage and differences in parent-child relationships, fall within the scope of this provision and all lawsuits filed after 15 January 2020 are subject to it.

Recently, the mechanisms of mandatory mediation were introduced in other countries (Turkey, France, Spain), however, the provisions did not cover family disputes.

Lithuania commenced litigation concerning the institutionalization of mediation and fostering its popularization in the society.

Since launching the pilot project on court mediation in 2005, in Lithuania there was no clear formal provision indicating the option to enter into mediation session. Technically, there was a possibility to initiate the process within the scope of the Civil Code provision regarding settlement agreements. Still, the main part of activities concerning the legislative recognition of meditation started since the adoption of the Law on Conciliatory Mediation in Civil Disputes in 2008 which was implemented in line with the Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008. However, it did not enhance the popularization and awareness of mediation. Overall, the main barrier for effective fostering of mediation was strengthened by the society's attitudes, which still were more oriented on resolving disputes in courts. What is more, lawyers were not big supporters of mediation as they saw it as a competing activity.

The new chapter of Lithuanian mediation started in 2017 when it became clear that there was a need for a stronger mechanism of state support for the mediation development in the country. That is how the idea of compulsory mediation was begun. The new Law on Mediation, which entered into force on the 1st of January 2019, significantly changed the regulation of mediation activities. That law introduced both court and out-of-court mediations in civil cases. New legislation set up, for the first time, the qualification requirements for mediators. Also a national list of mediators was established. Now in order to become a professional mediator and be included in the national list of mediators an interested person has to be a holder of a university degree, attend 40 hours of mediation training (during 5 years before qualification), pass the qualification exam and have an impeccable reputation. There are several exclusions from these requirements. Lecturers (Ph.D. in social sciences who prior to the listing have conducted more than 100 hours of trainings in the field of mediation over the last 3 years) and judges (with 3-year experience and at least 16 hours of introductory mediation training) do not have to pass the exam and participate in trainings. Also, attorneys at law, notaries, and bailiffs with no

**“One of the greatest features of mediation is that it serves not only as a way of dispute resolution but also as a guardian of human relationships”**

less than 3 years of experience are not subject to exam qualification. The qualification exam consists of two parts. During first part of the exam candidates are provided with a 20 question test. Those who get at least 14 correct answers are invited to take a second part of the exam. To test the practical skills of the candidates, mock mediations are organized. Each candidate is provided with a 15 minute time period to show his or her skills in mediating. Strict exam rules and procedures mean that only about 50 percent of candidates are passing it and acquiring the right to be enrolled into the national list of mediators.

From 1st of January 2020, Lithuanian citizens and residents are required to enter into pre-trial

**“ Even though, in general, mediation has already acquired a reputation of an effective tool for amicable family dispute resolution, there are many countries with strong litigation-oriented traditions”**

mediation in family disputes. The main point of the mandatory pre-trial family mediation is that disputants, before applying to the court, must try to resolve the dispute in mediation. This provision concerns only cases that are subject to the ordinary court procedure. Hence, the following situations

could be addressed: divorce issues, children custody, alimony and meetings, division of property and etc.

The main governmental authority, which manages the out-of-court mediation is State Guaranteed Legal Aid Service. It is responsible for the maintenance of records in the national mediator list, conducts qualification exams for individuals willing to enter the list, and gathers all relevant data concerning these mediators. Additionally, it appoints a mediator if a party brings such a request. Also, the parties are provided with the option to file a request directly to a mediator, chosen from the national list of mediators.

The state finances mandatory mediation for all citizens without considering their financial situation. Still, the payment is limited to one mediation session no longer than 4 hours in length. The mediator additionally receives payment for 1-hour preparation and 1 hour to finalize mediation. Moreover, the guidelines of complex family support are being developed, which allow families to apply for the free of charge mediation within the scope of such complex family support services. If the parties decide to choose a mediator by themselves from the national list of mediators (not using the services of State Guaranteed Legal Aid), both parties pay the cost, which is mutually agreed upon by them and mediator.

The Lithuanian approach is a little bit different from Italian and Greek

**“the model of mandatory mediation could be an effective step for changing the perception in society and encouraging more individuals to use mediation”**

approaches. It does not require a mandatory pre-mediation or first pre-trial session. In Lithuania, it is mandatory only to initiate mediation by applying for it to State Guaranteed Legal Aid Service or a private mediator. Each party to a dispute can voluntarily opt out of an already initiated process without any restrictions. Italian and Greek provisions call for an initial session, which is a kind of 'pre-mediation' meeting.

During the period from 1st January 2020 till 1st June 2020, 2857 applications for the mandatory mediation, which is administered by the State Guaranteed Legal Aid Service, were filed. 1268 mandatory mediation cases were canceled in an early stage, because the second party to the dispute refused to enter the mediation process. 111 cases were closed, because of the decision of the parties not to divorce. 103 cases were postponed, because of the lack of contact information necessary to address the request for the second party to a dispute. In 970 cases, a mediator was appointed. By the 1st of June, 360 mediations were already finished, and of that group, 188 (more than 52 %) of them were successful and ended by a settlement agreement.

Still, as a very complex issue, the establishment of mandatory mediation in Lithuania has its challenges. Along with a requirement to join mediation before commencing court proceedings, a demand for qualified human resources rapidly increases. How confident are we that there will be enough professionals in this regard? What is more, are experienced mediators ready to work for a quite low remuneration (16 EUR per hour) in a case where they are

appointed by a state? And could mediation be universally applied to all types of family disputes? Thus, there are issues, which still need further consideration and development. At present, the process is already

launched, and a big number of family cases have been already addressed to pre-trial mediation. Hence, the time will show if the recent changes in Lithuania are effective and will indicate where potential improvements should be done. At the same time, family disputes constitute one of the major spheres where mediation should be actively promoted. Therefore, it should be kept in mind that mandatory mediation is not an 'aggressive' tool to force parties to reach an agreement, but rather a reasonable way to convince the society about mediation's efficiency and possible positive outcomes.

**“mandatory mediation is not an ‘aggressive’ tool to force parties to reach an agreement, but rather a reasonable way to convince the society in its efficiency and possible positive outcomes”**

**Send in your  
photos and  
articles!**

## References:

Stella Vettori, "Mandatory mediation: An obstacle to access to justice?", *African Human Rights Law Journal* 15 (2015): 355-377, Retrieved from: [https://www.researchgate.net/publication/295248651\\_Mandatory\\_mediation\\_An\\_obstacle\\_to\\_access\\_to\\_justice](https://www.researchgate.net/publication/295248651_Mandatory_mediation_An_obstacle_to_access_to_justice).

Vicky Kriketou, Ioannis Vrachasotakis, "Mediation: A new legal framework (Law 4640/2019) introduces the compulsory mediation in commercial and civil disputes", Retrieved from <https://kglawfirm.gr/wpcontent/uploads/2019/12/Newsflash-Mediation-A-new-legal-framework.pdf>.

Giovanni Matteucci, "Mandatory Mediation, The Italian Experience", *Revista Eletrônica de Direito Processual – REDP* 16, (2020):185-210

Agnė Tvaronavičienė, Natalija Kaminskienė, "The Institutionalization of the Out-of-Court Civil Disputes Mediation in Lithuania: Experience and Main Future Challenges", *The 7th International Academic Conference on Social Sciences*, July 26-27, 2019 – Prague, Czech Republic (2019):6-16

European Handbook for Mediation Lawmaking, CEPEJ, 2019, Retrieved from <https://rm.coe.int/cepej-2019-9-en-handbook/1680951928>.

The Law on Mediation of the Republic of Lithuania, TAR, 2017, 12053.

The Law on Conciliatory Mediation in Civil Disputes, Official gazette, 2008, 87-3462.

The Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, OJ L 136, 24.5.2008.

## Writing cases for INADR tournaments

Kenneth K. Frank

Professor, Conflict Resolution, Brenau University  
VP Education US, INADR Executive Committee Board  
Member



One of the ongoing challenges of hosting tournaments is to make sure we have fresh, relevant and engaging cases for our participants. We have been very blessed to have some talented case writers who step up and deliver such cases for our tournaments. However, with the advent of virtual tournaments, the demand for fresh, relevant and engaging cases will become greater and we cannot depend only on those who have written in the past. We need new volunteers to step forward and write cases for our tournaments. To that end, I want to offer a few tips on how to write a case for use in our tournaments.

**Structure.** As most of you know who are reading this newsletter, all INADR mediation cases are composed of three parts: general information that is available to all of the participants including the mediators about 10-14 days prior to a tournament, and two sets of confidential information. Confidential information is that information that is available to only one of the advocate/client pairs, and each side has a separate and distinct set of confidential information. This confidential information is distributed just prior to the round, either in person or by dissemination through Zoom in virtual tournaments. The advocate client pairs have about 30-60 minutes to digest the confidential information and of course, it may contain something which causes a major change of strategy for the mediation. Often coaches work with the advocate client pairs to help incorporate any changes caused by the new information. Judges receive all

the case information in advance so that they can understand the case and know if either side is making up information not in the case, especially self-serving facts. Generally, case writers need to be prepared to write all three parts of a case. It is important that the case be balanced, and not too one-sided to give each side of the dispute some leverage in the mediation process.

**Subject.** The subject of our mediation cases varies from round to round. It is important, especially with our international competitions, that the subject be as universal as possible and not hinge on some point of law peculiar to one jurisdiction. Also, custom and tradition need to be considered as there are wide variations among the many countries that participate in our tournaments. Over the years, we have been told that participants have seen enough farm based cases and insurance based cases, so recently we have been avoiding those areas. Some of the more engaging cases in recent years have included the cloning of dogs, the supplying of road salt, various landlord tenant problems, manufacturing closets and other contract issues. Cases are more interesting when there is an ongoing relationship at stake and not just a matter of monetary damages, so case writers

**“One of the ongoing challenges of hosting tournaments is to make sure that we have fresh, relevant, and engaging cases for our participants.”**

have been including relationship issues in recent cases. The more multi-faceted a case is, the greater the opportunity for our participants to demonstrate some creative problem solving through

mediation and negotiation.

**Fresh Content.** Participants will always be engaged by content that is current and fresh. In an upcoming tournament, cases will involve the impact of the world-wide pandemic, an issue that is certainly on everyone’s mind. Another current case will involve the removal of an offensive statue, another issue that is the subject of current protests in many parts of the world. Of course, you cannot use a case where the outcome has already been determined, so do not pick an issue which has just come back from the highest court of a jurisdiction. It is my belief the requirement of fresh content is one of the reasons that the traditional personal injury case involving insurance is not a favorite topic currently. Of course, even that setting could be made engaging by a factual situation that catches the participants’ eye. (Perhaps a personal injury case involving an injury to a protester sustained while toppling an offensive statue on state property?) Recently, errors made in frozen embryo transplants have provided interesting subjects for our participants.

**Conclusion.** Please realize that there are many of us who have written cases before that can be good resources for new case writers. By contacting the members of the law school tournament committee or the undergraduate tournament committee, you will find willing collaborators or reviewers for cases or

**Stay connected through Facebook, Instagram, and our website at [www.inadr.org](http://www.inadr.org)!**



**“As the author of a case, it is always interesting to see where our highly creative students will take a case.”**

case ideas. In some situations, we even divide the case writing by having one writer produce the general information and then the case is passed to another writer to provide the two sets of confidential information. As the author of a case, it is always interesting to see where our highly creative students will take a case. You as the author may have never anticipated the directions or potential

solutions for your case. The demand for new cases is great, and I would encourage you to put a case idea out there and run it by our colleagues to develop it into a challenging and engaging case for our participants. Writing a case for use in the tournament is greatly appreciated by tournament organizers. Thank you for your work and know that it is always fun to see how our participants approach your case.

## The Shapely Value

“ALL ANIMALS ARE EQUAL, BUT SOME ANIMALS ARE MORE EQUAL THAN OTHERS”

(1984, George Orwell)

John Lag, Attorney,

Member-At-Large, Executive Committee INADR



Game theory is an established field of study as applied to negotiation strategy and is basically described as having three possible final outcomes: Win/Win; Win/Lose; Lose/Lose. The parties are cooperative in the Win/Win scenario and are most likely to be satisfied with the results. The parties are adversarial in the other scenarios and risk loss to a greater degree and are more likely to obtain an unfavorable result as a result of the negotiations.

The optimum negotiation strategy is to obtain a “Win/Win” resolution for both parties. In this scenario both parties obtain what they believe to be what’s best for them and they cooperate in crafting a settlement that produces the greatest level of benefit for all. As negotiation is the game that everyone wants to play, and win, this result is one that provides the most value for everyone. If the parties are committed to collaboratively pursuing a Win/Win resolution, then it is beneficial to determine the relative potential value of all the stakeholders and players involved in the negotiations.

The benefits of considering the relative value of all the parties to a cooperative negotiation are analyzed in game theory and are described as the Shapley value. Named after Lloyd Shapley and formulated in 1953, it applies a

## INADR Officers

**President, Mary Lou Frank**

**President Elect, Dennis Favaro**

**Secretary, Susan Sloane**

**Treasurer, Anthony Baldassano**

**Vice President, US, Teresa Frisbie**

**VP, International, Elena Koltsaki**

**VP, Education, US, Ken Frank**

**VP, Education, International, Agnieszka Majka-Góra**

**At -Large Member, Jacek Czaja**

**At-Large Member, Dylan John**

**At-Large Member, Miglė Zukauskaitė**

**At-Large Member, John Lag**

**Past President, H. Case Ellis**

**Past President, Dick Calkins**

**Past President, Fred Lane**

mathematical formula to determine and apply the relative values of all the parties to achieving an optimal Win/Win resolution. The Shapley value assumes that all the players are cooperating in the attempts to obtain a Win/Win resolution and assigns a mathematical value to each which is related to their relative potential contributions and bargaining power. The Shapley value earned the author a Nobel Prize in Economics and can be studied in more detail by those interested. However, a skilled negotiator can determine the relative value that the players bring to the table and intuitively decide which tactics and techniques will satisfy the needs of those players to obtain the most beneficial resolution in exchange.

In all negotiations it is beneficial to determine the relative influence of all the stakeholders and players involved in the negotiations. There are decision influencers, such as the attorneys, negotiators, representatives, employees or other peripheral players. There are also decision makers, the boss, the board of directors, investors, the party(s). Even among these individuals there may be different levels of resources or influence among them. For example, two parties may be represented by an attorney in the negotiation for the purchase of a business. The attorney is certainly a decision influencer, giving advice and leading the negotiations, but one should evaluate exactly how influential that role is. Do the parties seem to follow the attorney's lead or is there an alpha dog party who takes charge of all decisions? The parties are decision makers but may not be equally influential in the decisions to be made in the resolution of the negotiations. One party may be the one who is providing all the funds for the purchase and is more likely to be more influential in the decisions and is also more important in providing value to the seller, i.e. money.

You should continually evaluate and re-evaluate these respective roles, influence and potential resources of your opponents and also be self-aware of you and your client's relative roles, influence and resources. This will be useful in determining to whom and how you craft your initial and subsequent narratives, persuasive arguments, bargaining offers and counter-offers.

## INADR: *Reflections*

*The following are comments from Law Students who attended the ILSMT at Loyola Law School*

### Miriam Pirtskhalaishvili, University of Georgia

After two challenging mediation tournaments, organized by INADR, mediation became an integral part of my life. Personally, for me, it was not only about gaining experience, but taking steps forwards becoming the best version of myself. I realized this when my team was more proud that we left

“The optimum negotiation strategy is to obtain a ‘Win/Win’ resolution for both parties”

“The INADR Mediation Tournament is a place for discoveries. Here, you may discover your talent, amazing people from different countries, and vision for the future..”

Mediate`19 with a new vision of life, rather than the status of the 1st place team in the Advocate-Client category.

Everything started when the University of Georgia announced the team recruitment process for mediation tournaments. Each announcement notice ended with the phrase: "It will not be easy, but, we promise, it will be worth it." The preparation process really required a lot of hard work, but it appeared worthy of such a priceless experience and opportunity to enter into a whole new world. In a world of peacemakers, everyone can benefit from the opportunity to challenge themselves and become valuable contributors to a community that strives to make the world a better place to live.

At INADR Mediation Tournament, you can feel a true spirit of teamwork, power of honesty, and respect. You may think that during any competition rounds, there is no other person you support and care more about rather than your teammate, but, to your surprise, teammates are not the only people who deserve your support. INADR Mediation Tournament teaches you that unless

**“What clearly stood out was the spirit of mediation surrounding us. It was wonderful seeing students from all over the world willing to share their experience and learn from each other. ”**

you appreciate the opponent party, listen carefully, and feel yourself in his/her shoes - you cannot truly benefit from the process. This is mediation for me: mutual respect, understanding, and interested-based negotiation which leads to amicable solutions.

The INADR Mediation Tournament is a place for discoveries. Here, you may discover your talent, amazing people from different countries, and vision for the future. The competition journey is a process, not an endpoint. Each training, mediation round, or productive feedback is just another stepping stone to the next point along the way. The knowledge and experience gained during this tournament was even an inspiration for me to start working on my Master's thesis in the field of Alternative Dispute Resolution. I believe that this tournament has not only influenced my vision for academic and professional life but ways how I establish everyday communication.

Mediation Tournaments taught me to see disagreements as a big story-puzzle. I believe that everyone has a part of the puzzle, however, there might be other parts of it needed to be brought in to see the whole picture. The cases and rules of the tournament are arranged so that it helps each participant to realize that they are the ones who decide the outcome of the case. To succeed



**Miriam Pirtskhalaishvili**

**University of Georgia**

**“you feel a true spirit of teamwork, the power of honesty, and respect”**

during negotiations, everyone is strongly encouraged to share their parts of the puzzle to compose the whole picture. Here, you will find that the whole picture can be composed and relationships rebuilt by appreciating the similarities and respecting the differences.

Presently, when Georgia has adopted the bill on mediation, I see it is even more important for my country to integrate into the large family of peacemakers. I have more motivation and desire to contribute to the Georgian legal system the new values and international standards, and I believe, experience gained at INADR Mediation Tournament is a real springboard for this goal.

### Enri Abuladze, University of Georgia

To me the most important quality of a person is that we can be empathetic and solve issues through listening and understanding each other. For me mediation is all about that. I have not had the chance to experience mediation until my fourth year at university. However, opportunity knocks at every man's door. That is why I was excited when University of Georgia announced team completion for INADR mediation tournament. Fortunately, I have been chosen as a member of the team along with other talented students, with whom I would be sharing this amazing journey towards many more mediation tournaments.

I remember, as it were yesterday, how hard it was at first to step aside from using laws as support. In our law studies the focus seems to be on attaining knowledge disconnected from emotion, however after experiencing mediation simulations I started to understand that it is not always about overpowering the other side with your arguments, but rather than that trying to be more sensitive to the emotional aspects, to the needs of your client and the other side.

The INADR mediation tournament gave an invaluable opportunity to experience these qualities not only in a context of council, but as client and mediator as well. This helped me to look at mediation session from each party's perspective and to realize the importance of really listening to the other side and establishing a truthful discussion. It really becomes apparent how big of a role active listening plays in understanding where the other party is coming from when you take in consideration cultural differences. We tried to overcome this by being clear and use mediator to convey the information to other side.

What clearly stood out was the spirit of mediation surrounding us. It was wonderful seeing students from all over the world willing to share their

“What I like about INADR is that it also values relationships, both between its members and participants.”



Enri Abuladze  
University of Georgia

experience and learn from each other. The feedback that we were receiving from the judges was incredible and helped to guide us through competition as well. We incorporated these advices and kept learning through the rounds.

What was really life changing for me was the path I took with my team. The hardships we went through to prepare for the tournament, meeting leading mediators from all over the world and new connections we have established along the way. Most importantly, INADR made me believe in mediation by experiencing it by myself and seeing it in action. I am glad to say that we won the title of best advocate client team in mediate'19; however, in the end it is a journey that matters, as it shaped us with fresh delight of new experiences.

Finally, I want to mention an important piece of advice we received from our coaches: "If you aren't having fun, you're not doing it right". Therefore, we had a lot of fun along the way.

## Elżbieta Schultz Jagiellonian University

My adventure with INADR and mediation in general started last year when I became a member of Jagiellonian University Mediation Team. Thanks to our amazing coaches, who are members and supporters of INADR mission – Agnieszka Góra and Jacek Czaja, my team-members and I got a chance to understand the power of transformative mediation, how powerful tool it can be in today's world. Since the very first time when we just touched the surface of the whole subject, in November 2019, when we were preparing for our very first competition in Bialystok (Mediate'19), I have learnt so much. Everything I experienced during last year, starting from intensive trainings in Poland, through amazing workshops by INADR members to finally long nights spent on writing our opening statements before competition in Chicago, gave me a completely new perspective on mediation. Before that, I wasn't really familiar with all of its advantages, as this method of dispute resolution is not too popular in Poland. From now on I will always try to search under the surface, I learned that behind anger, irritation or just big numbers almost always lies something more - the need of appreciation, apology or simple fear about the future of a family. And mediation gives us tools to satisfy all of these interests



Elżbieta Schultz  
Antoni Otalega  
Michał Żyłka.  
Marta Nawrocka  
Jagiellonian University

in a peaceful environment.

Thanks to contact with INADR and its members I not only extended my knowledge about the whole process of mediation (how flexible it can actually be), but I also learnt many useful soft skills (hopefully I will use active listening until the end of my life!) and met interesting people from all around the world. What I like about INADR is that it also values relationships so much, both between its members and participants of the events and in its missions when it comes to mediation. At the competition I really appreciate self-evaluation and extended feedback parts. That's quite different than in other competitions and it just shows how important people are here.

**Antoni Otalega**  
**Jagiellonian University**

I only started my adventure with mediation and INADR in the Fall of 2019. Yet the experience I have already gained by participating in two INADR tournaments is life-changing. Brought up on American movies about cunning attorneys and as a law school student taught rather in the realm of the 'continental' paradigm for finding justice in court, I was anything but familiar with the differences between court and mediation. I have learnt it is not always about proving one is right as it is in the former. In the latter one is not less engaged in pursuing one's interests yet takes into consideration other's party interests to make a deal. A deal that may bring much more benefits and may be valid much longer than a court judgment.

I have learned that the problem is the enemy, not the parties. The whole training process for the competitions let me understand how to hear other people and be heard. I learned that it is much better and satisfying to reach a deal by not using Machiavellian strategies but simply by being kind and honest.

The INADR events give unique opportunity to learn how to communicate effectively. It also shows that recognizing emotions and psychology in conflict-solving or deal-making processes are essential traits and features a modern-day lawyer-to-be should possess. Despite short time I may have learnt a lot and succeed in Chicago with our wonderful team but I feel there is much more to learn. And this is the beauty of mediation. Thank you, INADR!

**“I learned was that behind anger, irritation or just big numbers almost always lies something more - the need of appreciation, apology or simple fear about the future of a family. ”**

**“I learned that it is much better and satisfying to reach a deal by not using Machiavellian strategies but simply by being kind and honest. ”**

## Michał Żyłka Jagiellonian University

We found ourselves at International Law School Mediation Tournament with coronavirus threat looming just around the corner. Looking back, it is very reassuring that we managed to be part of tournament that turned out to be a celebration. The Tournament was a celebration of peace-making with mediation and compassion as it's tools. We were among people who genuinely believed that mediation is a key that can open doors which seem shut. Often during negotiation we think about what other party has brought to the table and in Chicago, there was diversity of culture, religion and beliefs brought and from each we could learn and find valuable experience. No one knows how the things will be after the pandemic is over, but luckily, we have that precious memory of community working together for the better understanding of the diverse world we live in. And for whatever comes next, thanks to tournaments like International Law School Mediation Tournament at Loyola, we are more prepared.

## Marta Nawrocka Jagiellonian University

It may sound cliché but participating in INADR events truly changed my university experience. Being a member of Jagiellonian University Mediation Team coached by exceptional Agnieszka Góra and Jacek Czaja helped me realize that every dispute is between people who encountered obstacle on their way, not two anonymous parties. Seldom is 'winning a case' by diving into legal ambiguities more effective and beneficial for them than honest conversation that leads to the mutual agreement. So as to achieve that, restore the peace and preserve relationship we do own a powerful tool – mediation. INADR trainings and competitions introduced me to this fascinating world, explained the basic rules, showed effective techniques and most importantly made me aware that the first thing to do is always to see and hear the person at the other side of the table. This simple truth will undoubtedly influence my whole future career path. Not to mention the international character of every INADR event. Such meetings always cast a different light on the way we perceived reality and I am truly grateful for the opportunity to see those new perspectives.

**“The Tournament was a celebration of peace-making with mediation and compassion as it's tools.”**

**“I learned the first thing to do is always to see and hear the person at the other side of the table. This simple truth will undoubtedly influence my whole future career path. ”**

**[www.INADR.org](http://www.INADR.org)**

**8601 Ackerman Rd.**

**Crystal Lake, IL 60014**

**[inadrconnect@gmail.com](mailto:inadrconnect@gmail.com)**

**Facebook, Instagram**

