

MEDIATION
PRINCIPLES, PROCESS, PRACTICE

BOULLE, GOLDBLATT, GREEN
Second New Zealand Edition

M E D I A T I O N



MEDIATION

PRINCIPLES, PROCESS, PRACTICE

Second New Zealand edition

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MEDIATION

PRINCIPLES, PROCESS, PRACTICE

Second New Zealand edition

First edition (Boulle, Jones & Goldblatt) 1998

Preface

This book has been written for teachers and students of mediation, and for those who practise the arts of mediation and conflict management in their many forms and flavours. It is also for lawyers, court officials and other professionals who are required to make many practical decisions about, and deal with, the various legal issues surrounding mediation practice.

There have been several significant developments in mediation since the first edition of this book and the content and focus has changed to accommodate them. The first development is the growth and diversity of mediation practice, which, although it can only be dealt with eclectically here, has required a more expansive account of what is practised daily in mediation's name. The second is the development of theory and principles in relation to mediation and associated practices, and an intensifying discussion of mediation standards and quality. Associated with this is the current interest in the development of mediation as a profession and the implications of that development. Thirdly, there has been an increased legalisation of the mediation process as it has become more comprehensively incorporated into court procedures and the legal system and there has been an upsurge in the number of cases dealing directly or indirectly with matters arising before, during and after mediation which has resulted in this edition having a more pronounced legal focus in some places than its precursor.

In a creative tension, however, with the attention paid to the mediation process by courts and legislators has been a growing awareness of the limitations of the standard facilitative model of mediation in New Zealand. The strengths of the transformative approach to the mediation process, and the opportunities provided for growth through the actual resolution of conflict, are increasingly recognised by both theorists and practitioners of mediation.

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Preface

mediation. Thanks are also given to Andrew Clark from IPENZ and John Granville from the New Zealand Institute of Quantity Surveyors, each of whom gave advice about how their particular institutes manage mediation provisions in their standard form agreements. Virginia also wishes to acknowledge the support provided by Massey University and, in particular, friends, colleagues, and students of the Dispute Resolution Centre in the College of Business, while Laurence thanks colleagues at Bond University and his research assistant, Geoff Lewis.

In addition, the authors wish to recognise the contribution made by Judi Jones who co-authored the first edition of this book with Laurence Boulle and Virginia Goldblatt. We thank Judi for the energy and commitment she demonstrated in the writing of the initial New Zealand text on which this second edition now builds.

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Laurence Boulle
Virginia Goldblatt
Phillip Green

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