

Five-Day Training Program On “Alternative Dispute Resolution for Mediators (FROM 25 – 29 JANUARY 2023)



Background Context

❖ The Hon'ble Supreme Court of Pakistan constituted a committee headed by Mr. Justice Ejaz-ul-Ahsan, Judge Supreme Court of Pakistan. A Judge from each High Court was associated with its members. A working group was also notified for the implementation of the policy decisions. In the line above two Mediation Centres were expected to be set up in Karachi and out of them one would be set up on the premises of the High Court of Sindh, whereas the other would be in the District Court. These were in the process of refurbishment and to strengthen the Mediation Centres, there was a need to provide human resources therefore training was designed in consultation with the learned Registrar who suggested 12 names of Judges as well as advice to associate advocates. The SJA also consulted with experts and it was conducted from 25 – 29 January 2023 from 08:30 AM to 06:30 PM. Following Master Trainers from PMA were associated:

- Ms. Fehmida Ajanee, Member, PMA
- Mr. Jawad A. Sarwana, Member, PMA
- Mr. Anwar Kashif, Member, PMA
- Mr. Mustansir Zakir, Member, PMA
- Mr. Sohail Khoja, Member, PMA

❖ This interactive and practical training session was attended by 25 participants (12 Judges [03 Additional District & Sessions Judges, 05 Senior Civil Judges & 04 Civil

Judges & Judicial Magistrates], 08 Advocate, 01 Sharia Consultant, 01 Mufti, 02 Bankers and 01 Company Secretary).

Salient Proceedings

❖ On Day 01, in the Inaugural Session, Ms. Fehmida Ajanee & Mr. Jawad A. Sarwana (Mediators, Pakistan Mediators Association [PMA]) conducted the following activities:

- Registration and attendance of participants
- Recitation of the Holy Quran
- Welcome to the Course
- Introduction to PMA
- Logistical Details
- How the Course works / Ways of Working Together
- Ground Rules

❖ In the technical session, the following activities were conducted:

- Ten Coins – Exercise

In this exercise, two persons are partners of a company having equal shares in the company and distributed shares unequal amongst them by consent. For this exercise give them 10 minutes for negotiation. After 10 minutes asked about distribution to each group which are as follows:

Groups	Distributions		Result
Group 1	60%	40%	Financial/future

Group 2	60%	40%	Rights
Group 3	30%	70%	Different needs
Group 4	60%	40%	Goodwill – Past
Group 5	65%	35%	Past assessment for future
Group 6	60%	40%	Financial
Group 7	60%	40%	Future
Group 8	70%	30%	Needs/goodwill
Group 9	60%	40%	Past/experts
Group 10	60%	40%	Moving award
Group 11	70%	30%	future

- Approaches to Negotiation – Rights-based and Interest Based Negotiation
- Introduction to Dispute Resolution Landscape
- Introduction to Phases of Mediation
- Live Quick Demo (Fast Track) using Personal Computers Role Play/ DVD
- The Preparation Phase
- Mediator Opening Practice Session
- Introduction to Exploration (Positions and Interests)
- What and How to Explore (Page 20 of Handbook)
- Active Listening 1 – Verbal skills to build rapport and explore
- READING TIME – Pajero Matters (Session 1)
- Practice Session 1 – Pajero Matters
- Role Play – De-brief – Pajero Matters (Page 25 of Handbook)
- Demo of Personal Computers – Opening Phase and Private Meeting
- Active Listening Skills -II – Non-verbal Communication
- Tips for using a flip chart
- Legal Landscape of Mediation in Pakistan

❖ At the end of Day-01, Preview of Day-02 was conducted.

❖ On Day-02, review of Day-01 was conducted.

❖ In the technical session, the following activities were conducted:

- Running Joint Meetings

- Mediator Interventions - How far can you go?
- Facilitating the Making of Effective Offers
- Power of Signals Exercise and De-brief (10 mins) ZOPA
- Making the First Offer
- READING TIME - Pajero Matters (Session 2)
- Practice Session 2 - Pajero Matters
- Pajero Matters (De-brief)
- Managing Emotions
- BREAK for Reading Time for Pajero Matters
- When the Going Gets Tough - Managing Apparent Deadlock
- Practice Session 3 - The Pajero Matters
- Role Play De-brief
- Ethical Considerations for the Mediator
- Concluding Phase
- Working with Lawyers

❖ At the end of Day-02, Preview of Day-03 was conducted.

❖ On Day-03, review of Day-02 was conducted.

❖ In the technical session, the participants were provided a case “Pajero Matters” which was the role played throughout the day to flush out the principles of mediation learned over the previous Day 02. It was a “mock mediation” where each participant was allowed to mediate a portion of the case with feedback from the faculty as he mediated.

❖ At the end of Day-03, Preview of Assessment Days-04 & 05 was conducted.

❖ On Day-04, review of Day-03 was conducted.

❖ In the technical session, the participants were provided three cases, which were role-played to allow each participant to show his skills in mediation with no interruption from the faculty. However, their performance was based on feedback (on one) from the faculty on their skills. The objective of this exercise is to help assess their skills, which they could use to enhance their skills further.

❖ On Day-05, review of Day-04 was conducted.

❖ In the technical session, the participants were also provided three cases, which will be role-played to allow each participant to show his skills in mediation with no interruption from the faculty. However, their performance was used to form the basis of feedback (on one) from the faculty on their skills. The objective of this exercise was to help assess their skills, which they could use to enhance their skills further.

❖ A post-course written assignment was conducted, in this assignment the participants were asked to draft a settlement agreement with their statement.



