

---

---

# Book Review

---

**Donna Cooper\***

**L Boulle, *Mediation: Skills and Techniques*,  
Butterworths Skills Series 2001**

Having attended several dispute resolution courses conducted by Laurence Boulle in the past I am aware of his considerable knowledge and expertise in this area. The author and colleagues at Bond University such as John Wade have been pioneers of dispute resolution in Australia, introducing it into legal spheres through both their academic and professional courses.

This new text provides valuable guidance for practicing mediators. The author states, “This work deals with the skills and techniques of mediators.”<sup>1</sup> He emphasises that it concentrates on skills which “refer to the practical activities, strategies, interventions and techniques which practitioners use as they provide their particular form of service or assistance.”<sup>2</sup>

The key to the success of this book is that the author can call upon his own vast wealth of experience as a mediator. Clearly a book about skills must be written by someone who is practicing in the field. Much is gained from the many case studies and examples drawn both from the author’s personal experience and that of other experienced mediators.

It is primarily aimed at “those who already are, or would like to become, practicing mediators”.<sup>3</sup> It would be a valuable companion to all mediators as it provides a wealth of practical information. The author acknowledges that it may also be useful for clients attending mediations or legal advisors, although they will come with a different perspective.

This text could also be used to assist students of dispute resolution at undergraduate or masters level who want to read further and gain a deeper understanding of particular concepts. I have used it to assist in preparation and the illustration of concepts when presenting skills workshops for undergraduate students of dispute resolution.

---

\* LLB, Solicitor (Qld), Associate Lecturer, Faculty of Law, QUT.

<sup>1</sup> At xi.

<sup>2</sup> *Ibid.*

<sup>3</sup> At xii.

This work is in part a companion to the author's earlier text, *Mediation: Principles Process Practice*.<sup>4</sup> It therefore does not reiterate more theoretical issues relating to mediation that are covered in that text. The previous work covers the large policy issues surrounding the practice of mediation and the theory behind ethical issues that arise.

Each chapter concludes with a list of issues "of particular significance" to sum up the key points. There is also a list of exercises that the reader can undertake and then further recommended reading. I'm not convinced that practicing mediators will actually take the time to complete the exercises. However, some do provide a useful way of linking the reader's real life experience with the theory.

For teachers at tertiary level or trainers of dispute resolution in professional settings the text provides very clear explanations of concepts and then practical examples. For example, in Chapter 7, "Facilitating the Negotiations" there is a section on brainstorming setting out the process very clearly and with a useful example of how this technique could be used to assist in the resolution of a dispute.<sup>5</sup>

There is an excellent section on reframing.<sup>6</sup> A very clear and simple guide to the concepts of reframing is set out in table form. It gives examples of how reframing can serve different functions and includes a statement and then the reframe by way of illustration.<sup>7</sup>

Chapter 10, "Special Issues in Mediation" contains useful information for those professionals who are involved day to day in a range of often imperfect mediation-style processes such as Legal Aid Conferences. In "Dealing with violence" the author acknowledges that such conferences often take place in settings where there are scarce resources and in a great number of cases where domestic violence is an issue. The author acknowledges that "Here, mediation is hardly the ideal option, but it might be the only one".<sup>8</sup>

This text does not delve into the policy arguments for and against the use of mediation in circumstances where there has been domestic violence, and it is clear that these arguments have been covered in other texts and articles. It gives what people in the front line need, practical suggestions on how to ensure a conference in these circumstances can be conducted in the most effective way for all involved.

This chapter also includes helpful hints for using interpreters in mediation, dealing with "absent parties" (significant others who can affect the success of agreements) and professional advisors.

Chapter 9, "Variations in the Mediation Process" contains information on some of the various dispute resolution processes used by different organisations. It also contains interesting information in relation to the use of technology to enable dispute resolution

---

<sup>4</sup> Butterworths Sydney 1996.

<sup>5</sup> At 160.

<sup>6</sup> In Chapter 6, "Assisting the Communication Process" at 129.

<sup>7</sup> At 131.

<sup>8</sup> At 227-228.

to take place, for example, internet mediation, mediation by telephone link-up or by the use of video-conferencing.

For family mediators the text includes references to the requirements of the *Family Law Regulations* 1995. This inclusion is important, as the Regulations place specific requirements on mediators, for example, where there are issues of domestic violence.<sup>9</sup>

This text contains helpful information for practicing mediators. It contains a chapter on “Developing a Practice and Practising Mediation” which deals with issues such as accreditation, marketing and securing referrals.

The appendix contains standard forms for practice including a covering letter to a client, an information sheet about mediation, an Agreement to Mediate and examples of mediated agreements for a commercial, family and community dispute.

This text is a clear and practical guide for mediators of all types of disputes. It is a welcome addition to the current array of mediation texts available. It provides a valuable tool for the Australian mediator as it is written from a uniquely Australian perspective. It follows the practical lead of another excellent text in the Butterworths Skills Series, *Negotiation – Theory and Techniques*.<sup>10</sup>

---

<sup>9</sup> At 229, Regulation 62(2).

<sup>10</sup> N Spigel, B Rogers, R Buckley, Butterworths Skills Series, Butterworths Sydney 1998.