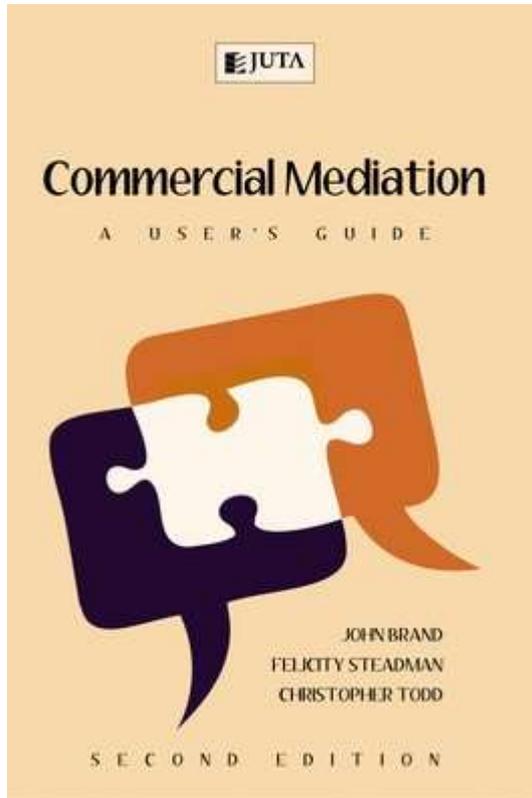


Book Review



COMMERCIAL MEDIATION A USER'S GUIDE

(170 pages)

By John Brand, Felicity Steadman &
Christopher Todd

(Second Edition)

Juta & Co (Pty) Ltd

www.jutalaw.co.za

" Whenever you accept our views we shall be in full agreement with you."

-Moshe Dayan (1915-1981)

Many litigants can testify bitterly to the costs, complexity, risks, uncertainty and unforeseen consequences of traditional litigation. Particularly in commercial disputes where the parties often require swift finality and certainty, it is not surprising that mediation has emerged in many jurisdictions as a valuable and effective option to resolve disputes.

As the co-authors of the updated second edition of this practical handbook point out, "...there is already a rich body of law and of practical and theoretical literature to draw on from other jurisdictions." The clear, concise and user-friendly text draws on these resources and the personal experience of the co-authors, all seasoned practitioners, authors and commentators on labour, employment and alternative dispute resolution.

The processes that take place before and during commercial mediation are explained. The different types of consensus-seeking approaches and the key principles of mediation are analysed. Expert guidance, sensible advice and a sure feel for defusing, constructively channelling and managing the emotions which are often present in disputes are insightful and reflective of the potential for achieving balance and voluntary agreement inherent in mediation.

The ten chapters logically take the reader through every stage of the mediation process. Specimen agreements to mediate are provided as well as specimen contract provisions for mediation and arbitration. Explanatory diagrams illustrate the text, footnotes are sensibly kept to essentials, the index is comprehensive, each chapter is separately summarised, 49 South African statutes which provide for mediation are listed, the rules regulating the conduct of proceedings related to mediation in the Magistrates' Courts are appended, and useful references to further reading on the subject are included.

The entire package is a mediation toolkit simply but subtly designed and refined for effective use.

"This book should be accessible to business people, government officials, community leaders and lawyers who are involved in mediation. I hope that people in all these areas will embrace the opportunities that mediation has to offer. When they do, they will find in this book an invaluable guide in that process."

-Deputy President Cyril Ramaphosa

Review by Louis Rood BA LLB (UCT) of Fairbridges Wertheim Becker.