



Welcome
October 2013
Mediator meeting



2013 Commercial mediator survey results

Survey background

- Online survey conducted early to mid 2013 of commercial mediators accredited by CD/ACDS, CEDR, ADR Group between 2007 and 2013
- About 350 mediators surveyed : 38 responses received (significantly fewer than the 64 responses received in 2012)
- Slides presented are a summary of the responses
- Where possible the results are correlated or compared with the 2012 Mediator Survey Results
- Some results were also compared to the May 2012 CEDR Audit and the 2013 Lawyer Survey conducted by CD.

How respondents described themselves

Although the profile of delegates on our course is very representative in terms of age, gender, race, etc the respondents to the survey were:

- Mostly over 50
- 6 women and 24 men
- Predominately white
- 20 English speaking, 6 Afrikaans speaking, 4 other languages
- Professional backgrounds - 15 lawyers ; 15 ranging from entrepreneur to – quantity surveyor to HR to accountant

Number of mediations

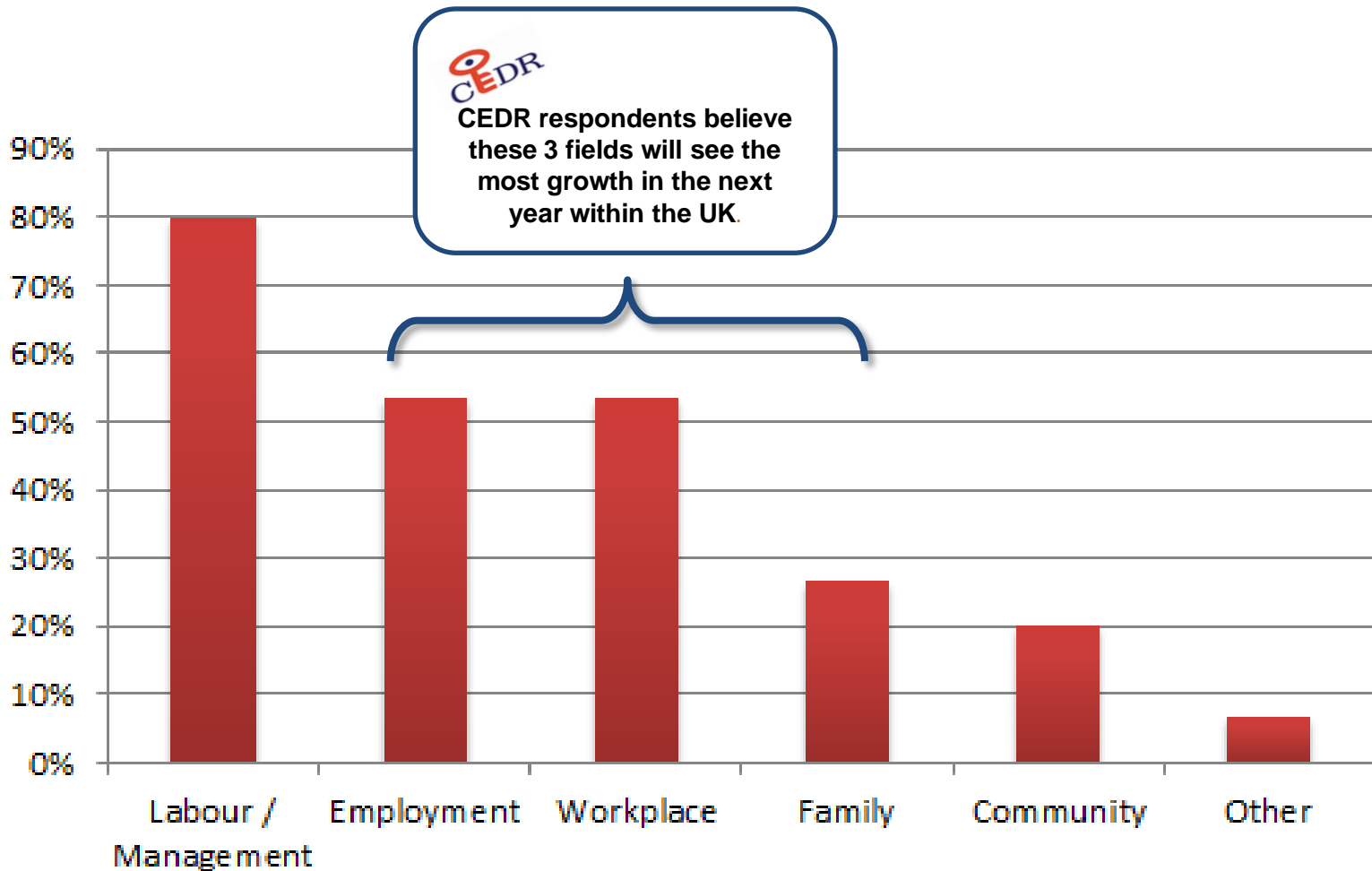
Whilst it may appear that the average number of mediations increased in 2013, the trend is that most mediation is done by a handful of mediators.

	2012	2013
Number of Mediations	138	77
Number of Respondents	64	11
Average Mediations	2	7



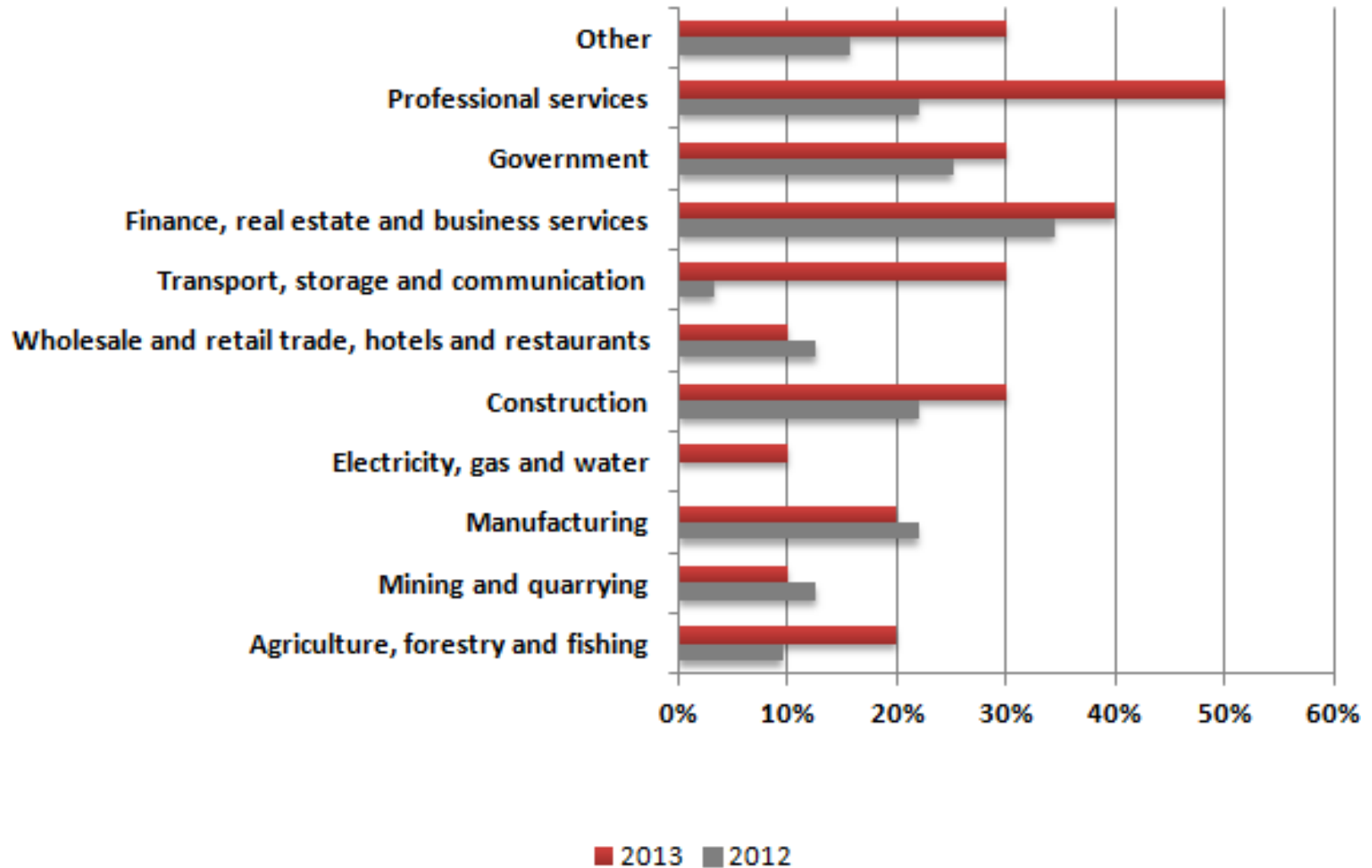
There are approximately 8000 disputes mediated per annum in the UK. Experienced mediators are conducting as many as between 20 – 50 cases a year, with 15% mediating over 50 cases.

Additional fields in which mediation is taking place



Whilst the survey was aimed at commercial mediators, many also mediate in other fields.

Industry sectors



Mediations remain concentrated in Gauteng, Western Cape and KZN

Case value

Much like 2012, a broad range of cases was mediated in 2013. Of the 10 respondents who completed this question values ranged from as little as under R500 to 4 instances over R5m.

	R0 - R500	R501 - R10,000	R10,001 - R100,000	R100,001 - R1m	R1m - R5m	>5m
Highest value	0	0	2	2	2	4
Lowest value	1	2	3	4	0	0



The value of cases mediated each year is approximately £7.5 billion, saving business around £2 billion a year in wasted management time, damaged relationships, lost productivity and legal fees

Settlement rate

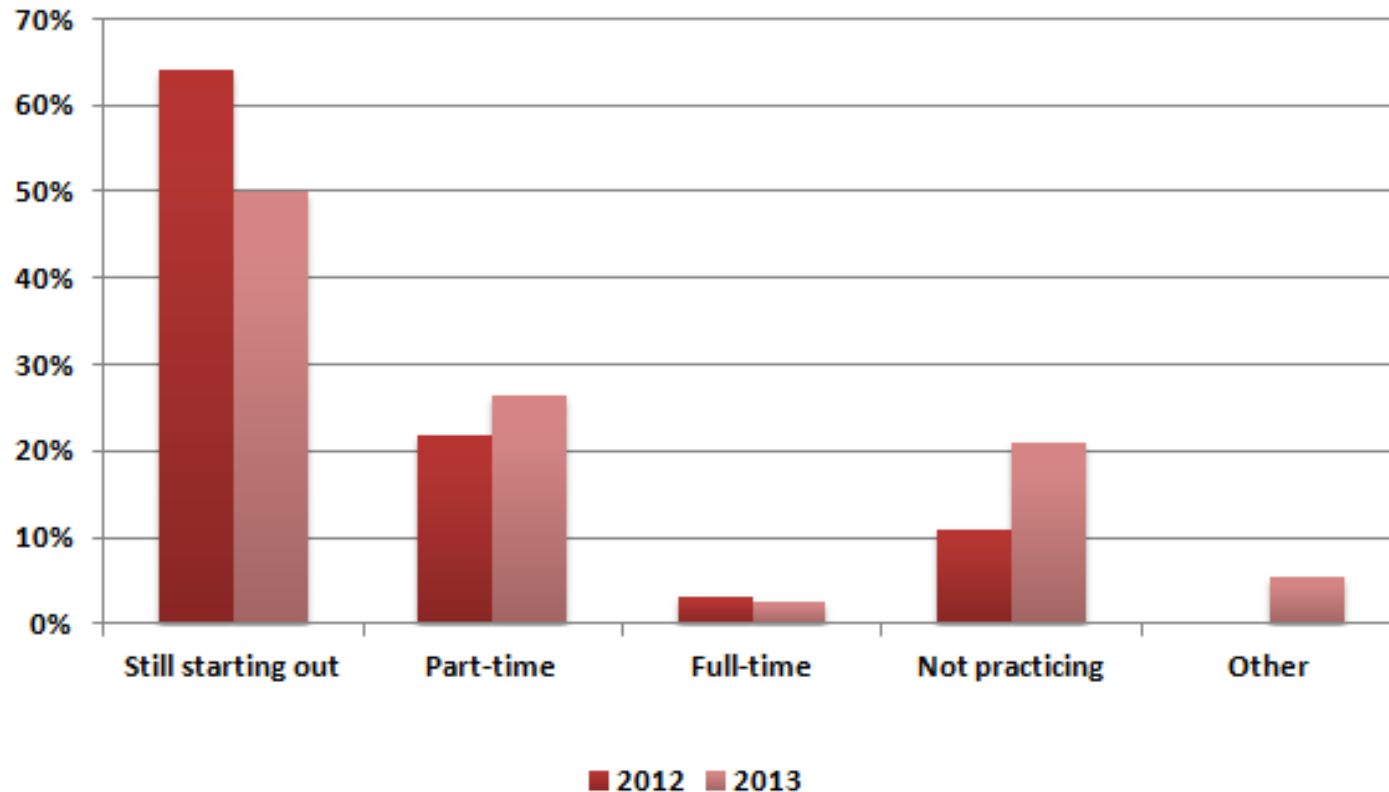
- Settlement rates remain over 80%
- Most mediations lasted more than 8 hours i.e. a very long day or more than a day



CEDR mediators reported that 70 % of their cases settled on the day, 20% settled shortly thereafter

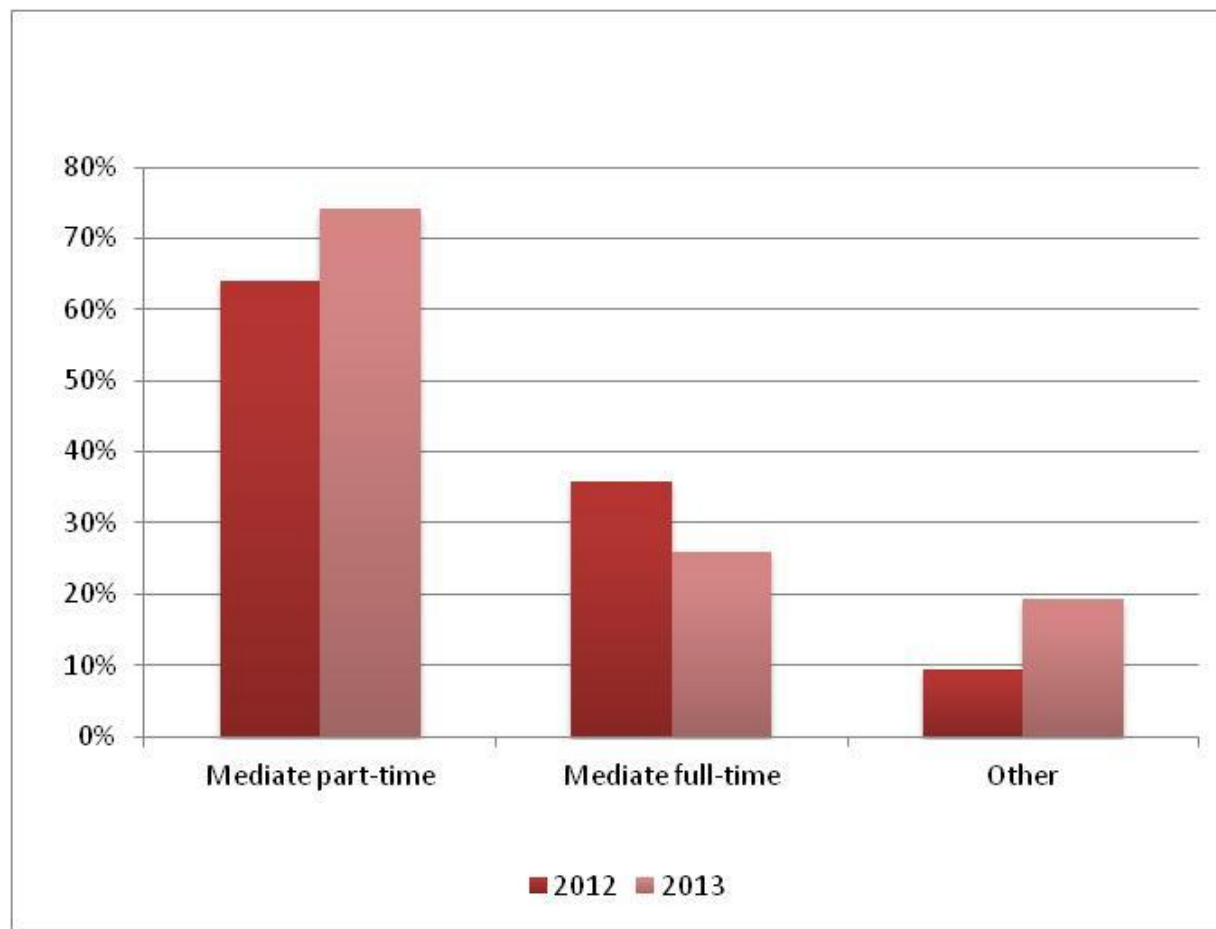
Mediation practice

Much like last year, the majority of accredited mediators consider themselves to be “starting out”, and most want to mediate “part-time” alongside their other professional work. The increase in ‘not practicing’ is probably owing to the limited commercial mediation work available.



Mediation career plans

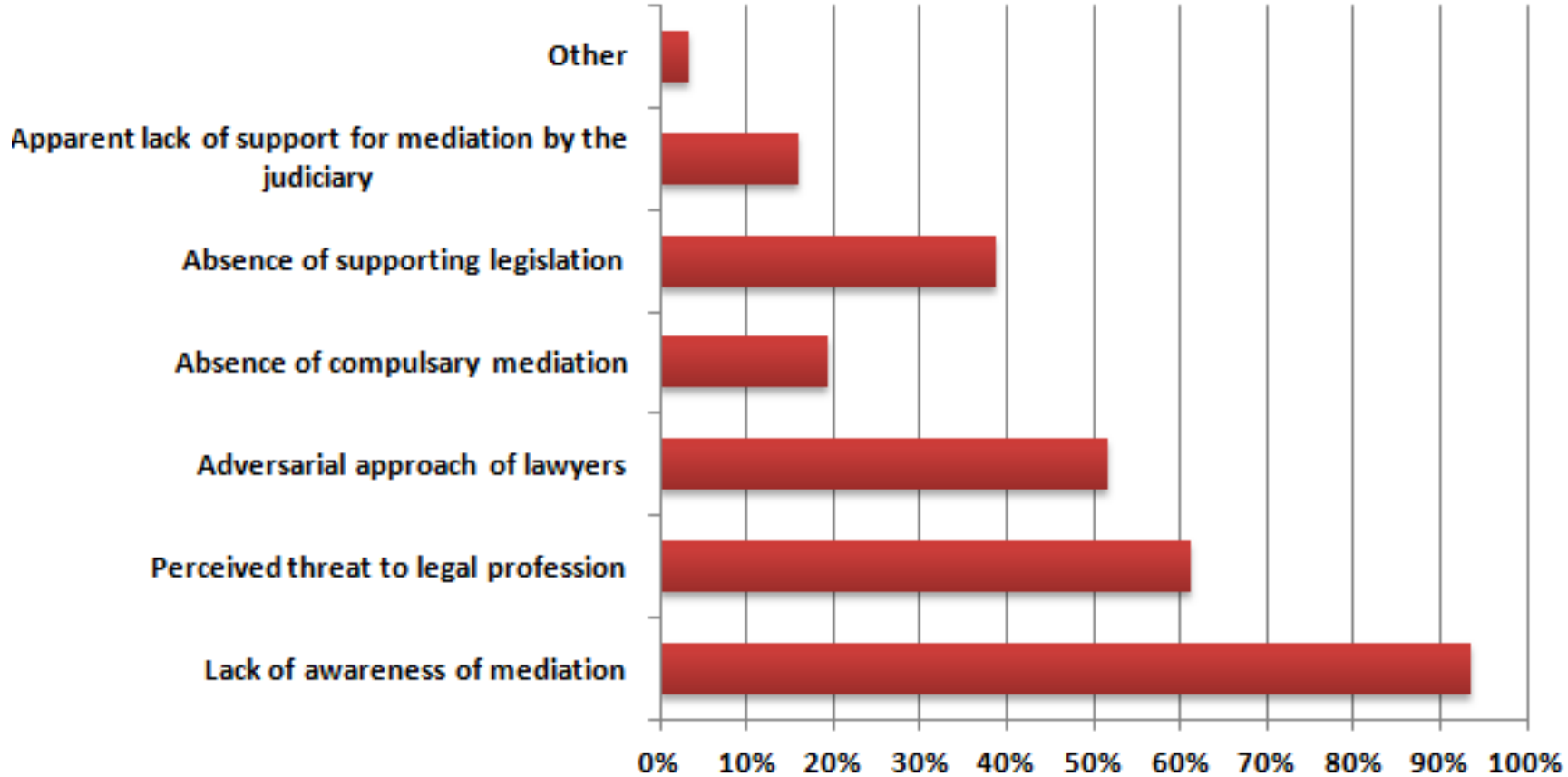
Majority of the respondents would like to mediate on a part-time basis



39% of the mediators surveyed by CEDR in 2012 consider themselves to be "full time".

Obstacles to commercial mediation

Lack of awareness of mediation remains the top perceived obstacle to mediation by a significant margin.

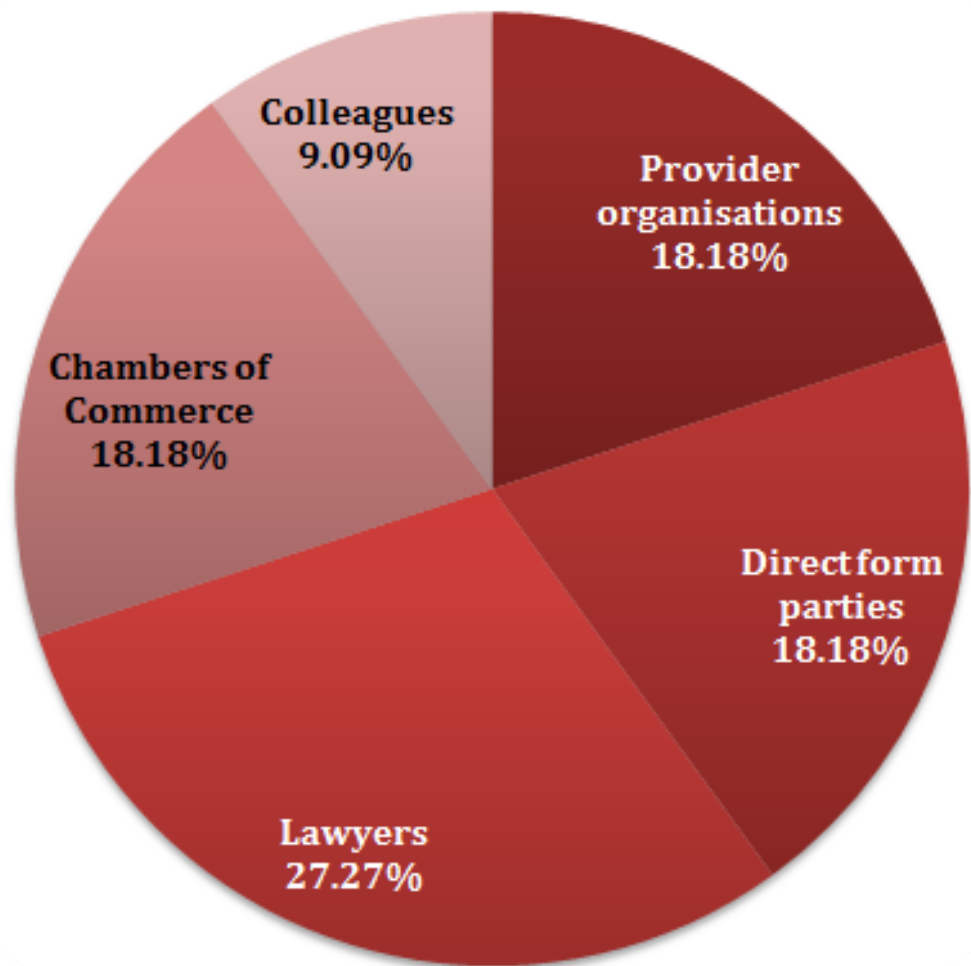


Appointment as mediator

A mediator's reputation is the most important factor in obtaining an appointment, followed by accreditation and professional background, whilst a mediator's charge rate ranked the lowest in the scale.



Source of commercial mediation appointment

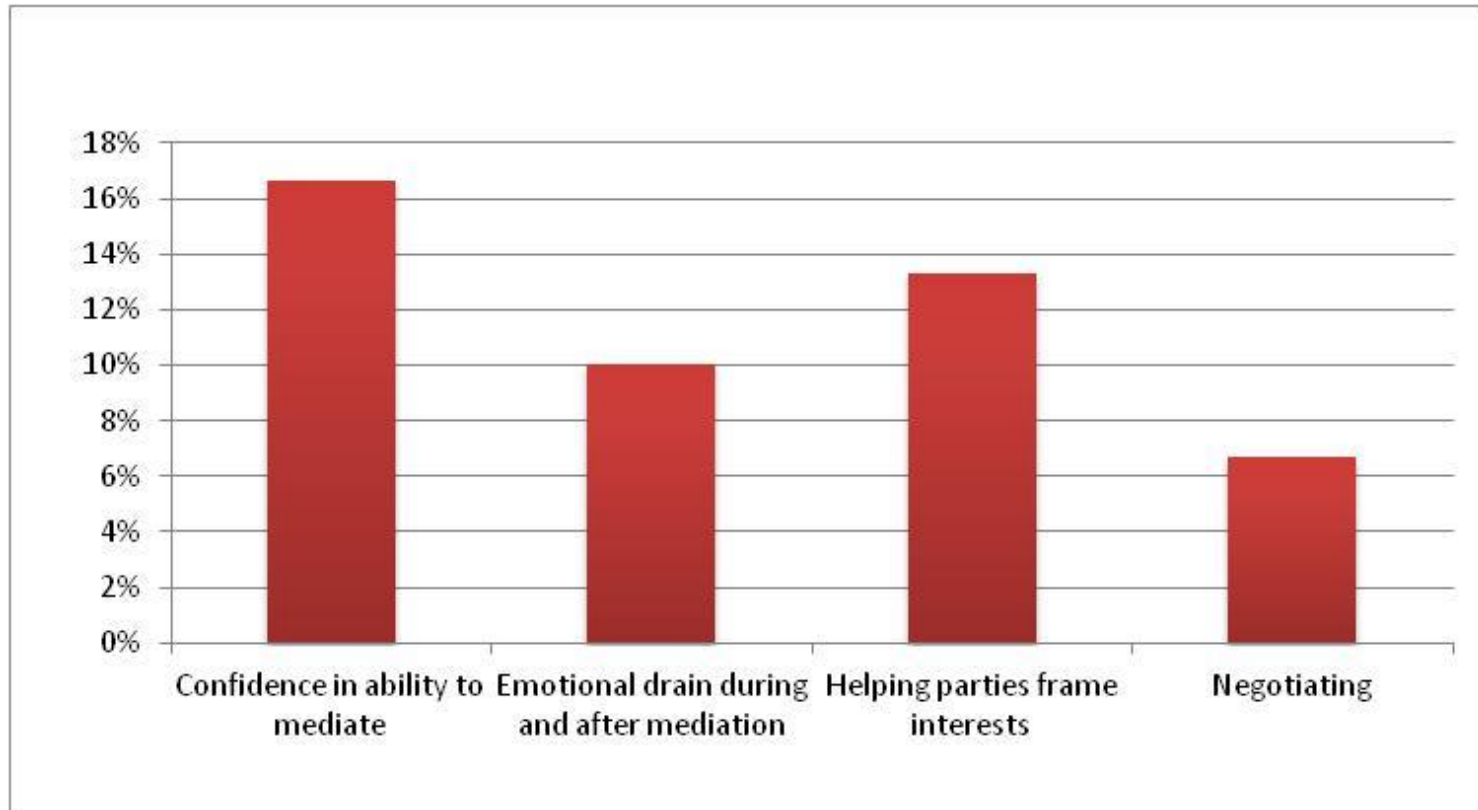


Most mediators were appointed directly by lawyers, despite the previous slide indicating that the 2nd greatest challenge to mediation is the perceived threat to the legal profession of mediation.

Most mediations commenced once arbitration or legal proceedings had commenced.

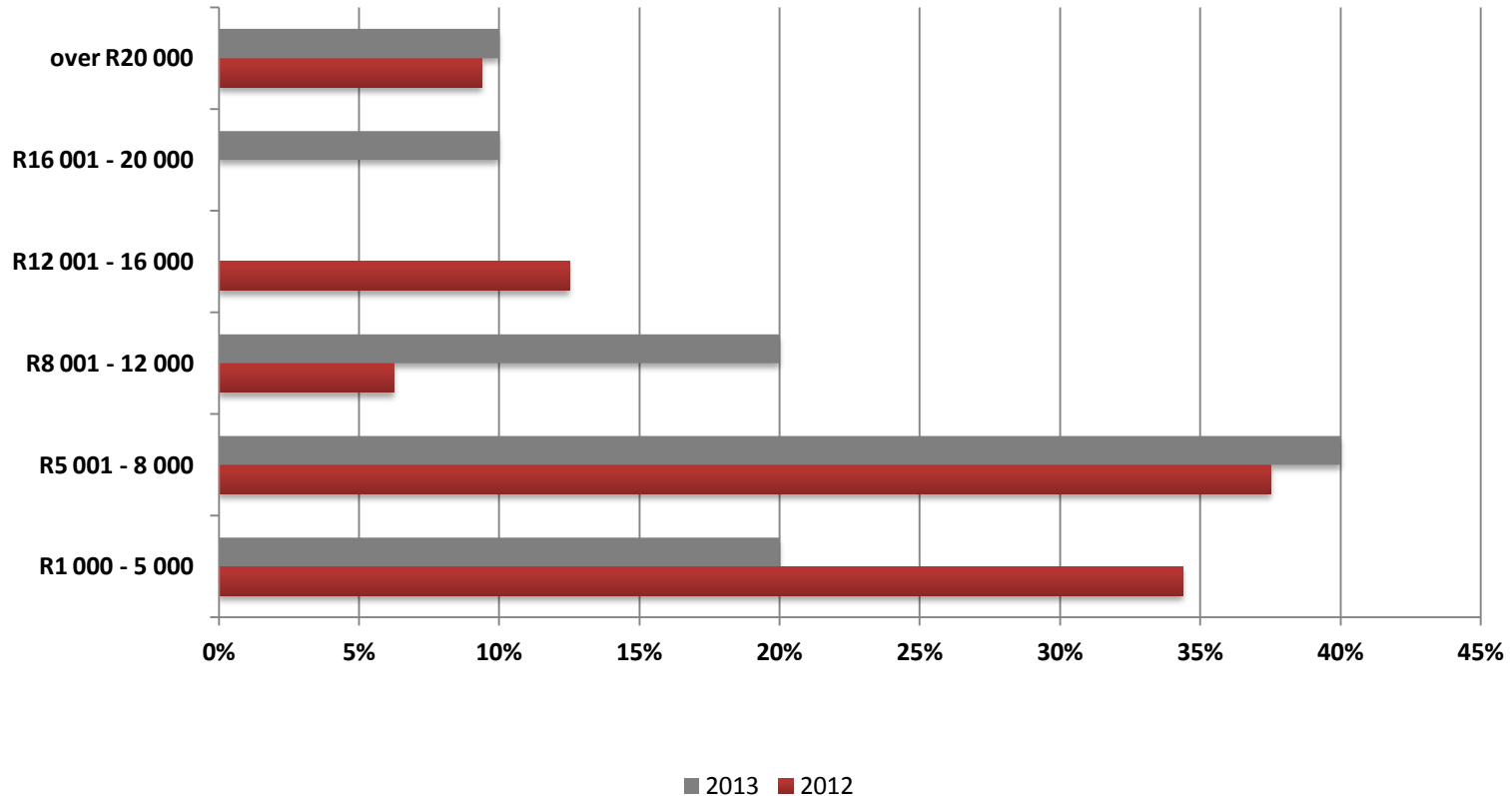
Greatest challenges as a commercial mediator

Besides obtaining referrals, confidence in ability to mediate posed the greatest challenge to commercial mediators and this may be directly linked to the fact that less than 5% of our respondents are mediating full time – the good majority are still starting out and mediating part time.



Mediation fees

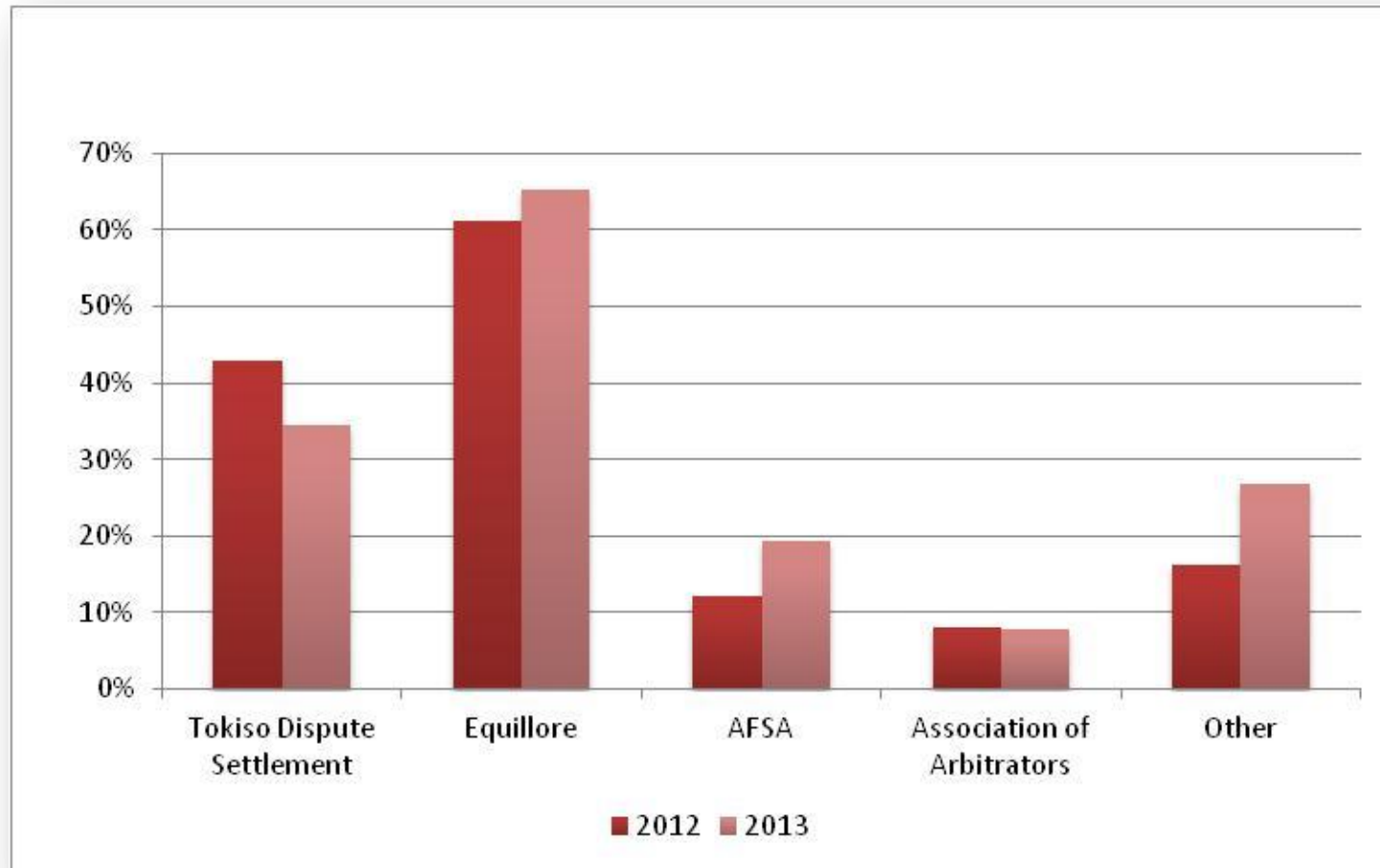
32 respondents provided information on fees charged. The majority charged between R1 000 and R12 000 per day.



The majority (24%) of mediators are earning between £500 - £1,250 per day, with top earners in excess of £8,500 per day.

Mediation panels

Equillore and Tokiso remain the dominant panels for Commercial Mediators.



Other panels include Winelands Mediation Group and Mediatori