

LET'S

Mediate

APRIL 2026 ISSUE #19

OUR GAUTENG HIGH COURT
MEDIATION PROJECT REMAINS
ONE OF MIMM'S MOST
IMPORTANT AND IMPACTFUL
INITIATIVES

WHAT IS EVALUATIVE MEDIATION?
IS IT A GOOD OPTION FOR DISPUTE
RESOLUTION?

*What's
New?*

- LADIES IN MEDIATION EVENT
- STATISTICS AND REPORTING
- THANK YOU, RYNO!





FROM THE EDITOR

“Opportunities multiply as they are seized.” — Sun Tzu

Have you ever paused to consider whether your approach to mediation is truly facilitative—or perhaps more evaluative than you realise? And does it matter if it is one, the other, or a combination of both? These are important questions for any mediator, and in this edition, Patrick’s Ponderings offers thoughtful insight to help bring clarity to this often-debated topic. We also had a fantastic Ask the Expert session on 21 April, where this subject was explored in greater depth. If you missed the session, I would encourage you to request the recording. It was truly most informative.

You can look forward to more exciting and engaging Ask the Expert sessions. You will find more information in this edition, and keep your eyes on social media.

If you missed the Ladies in Mediation morning, you missed a wonderful morning of learning, collaboration, chatting, eating and relaxation. Thank you to every lady on Exco, who put in time and effort to make the morning truly special. We hope to have another Ladies' event soon, and I will encourage every lady to attend.

Those who attended the recent MiMM information session on the latest developments in Gauteng High Court mediation will no doubt agree—it was both informative and encouraging. Our sincere thanks go to Esta and her team for their continued dedication and hard work in refining systems and processes for the benefit of our members. We encourage you to visit the MiMM website, where a streamlined three-step process now makes mediation reporting simpler and more efficient.

This edition also marks a moment of appreciation and transition. We extend our heartfelt thanks to Ryno Pohl, our Treasurer, for his commitment and service to MiMM. While we say goodbye to him in this role, we do so knowing his contributions will have a lasting impact.

Finally, if you have been wondering what MiMM has been working on more broadly, be sure to read the Chairman’s Letter for a comprehensive update.

Warm regards,

Susan Verhoef



LETTER FROM THE CHAIR

Dear MiMM Members and Colleagues,

As we reflect on the first quarter of 2026, I am filled with a deep sense of pride and gratitude for what MiMM (NPO) has continued to build and achieve. This quarter has been marked by steady progress, thoughtful leadership, and a shared commitment to strengthening our organisation and expanding our impact in the mediation space.

One of the most encouraging developments this quarter has been the continued strengthening of our membership base. MiMM (NPO) has now officially passed the milestone of 200 official paid members, which is a remarkable achievement and a strong indicator of the credibility, relevance, and growing influence of our organisation. Alongside this, important work has been done to consolidate historic member records, improve communication channels, and refine the Membership Policy to better support the next phase of our growth. These are important foundations for a stronger, more connected MiMM community.

We have also seen meaningful progress in strengthening MiMM's governance and internal systems. During the quarter, the EXCO gave careful attention to matters of policy, disciplinary procedures, attendance verification for CPD activities, and broader administrative efficiency. While most of this work happens behind the scenes, it is essential to ensuring that MiMM (NPO) continues to operate with fairness, transparency, accountability, and professionalism. The development of a more formal disciplinary procedure and the refinement of CPD verification processes are especially important steps in safeguarding both the integrity of our organisation and the quality of mediation practice under our banner.

Our Gauteng High Court Mediation Project remains one of MiMM's most important and impactful initiatives, and I would like to extend special appreciation to Mrs. Esta Lotter for her dedication and hard work in driving this project forward. This quarter saw continued progress in updating the panel list, reviewing practitioner profiles, and identifying the development needs of mediators who require observation and co-mediation opportunities to advance their certification. While challenges remain, the project is moving forward with care and commitment, and it continues to provide a meaningful platform for mediator development and service delivery.

Professional development has also remained a central focus. Discussions around QR code attendance tracking and a more structured timetable for future "Ask the Expert" sessions show that MiMM (NPO) is not only committed to providing learning opportunities, but also to improving the way these opportunities are organised and experienced by members.

Another positive sign for the future is the growing emphasis on strategic partnerships and outreach. Discussions this quarter included engagement with the Medical Protection Society, support for promoting the Scottish Mediation workshops, and the exciting potential for collaboration with the Stadio Mediation Clinic, which may create further observation and co-mediation opportunities for MiMM members. These developments reflect an organisation that is actively looking outward, building relationships, and creating practical pathways for the advancement of mediation in South Africa.



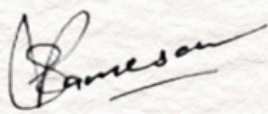
This quarter also reminded us that strong organisations are built not only through achievements, but also through service. I would like to express sincere thanks to all EXCO members and project leaders who continue to give generously of their time, expertise, and energy. I wish to make special mention of Ryno, who gave notice of his resignation as Treasurer effective at the 2026 AGM. His contribution over the past two years in streamlining systems, ensuring accounting compliance, and supporting the work of MiMM (NPO) has been deeply appreciated. We are grateful that he has committed to assisting with a structured handover and helping to identify a suitable successor.

As Chair, I am greatly encouraged by the spirit in which MiMM (NPO) has entered 2026. We are growing. We are learning. We are strengthening our systems. We are supporting our members more intentionally. And we are continuing to build an organisation that is principled, professional, and purpose-driven.

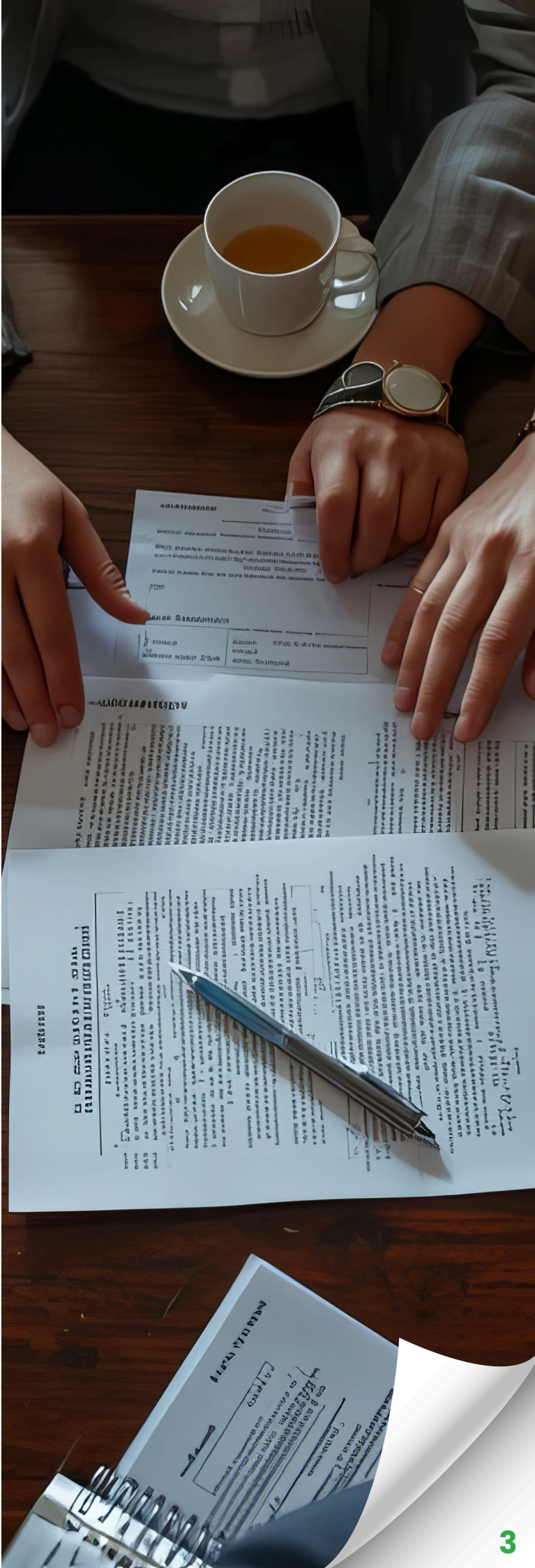
The work ahead remains important, but Q1 has shown that MiMM (NPO) is moving in the right direction with momentum and maturity. Thank you to every member, volunteer, EXCO representative, and project leader who continues to believe in the vision of MiMM (NPO) and contribute to its success. Together, we are building an organisation that not only supports mediators, but also advances the role of mediation in our society in a meaningful and lasting way.

Let us move into the next quarter with renewed energy and confidence.

Best wishes,



Dr. Shamal Ramesar
Chairman
Mediation in Motion Mediators (NPO)



Evaluative Mediation

What is evaluative mediation? And is it a good option for dispute resolution?

Simply put, evaluative mediation involves the mediator evaluating the parties' respective positions. Of necessity, it encompasses the giving of advice. Telling a claimant that you think that they may have some difficulty in proving their case. Telling a respondent that they should be making some sort of an offer to the claimant. Pointing out that you think their defence does not have much merit. Second guessing what a judge may decide should the matter proceed to court.

Facilitative mediation is the antithesis of that. As the mediator, you don't give advice or evaluate, and you don't tell the parties what you think they should do or what you think a judge will decide should the matter proceed to court.

Before a mediator even contemplates being evaluative, there are some pre-requisites that will have to be met.

Firstly, you must make sure that if you are mediating as part of a programme or protocol, the programme or protocol permits evaluative mediation. Some programmes and protocols specifically require facilitative mediation, while others may permit evaluative mediation in certain circumstances. For example, the Gauteng Mediation Protocol requires facilitative mediation, unless the parties agree otherwise.

Secondly, both parties will need to agree to evaluative mediation. And you, as the mediator, would need to ensure that they are aware of exactly what that encompasses.

You would also need to be satisfied that you, as the mediator, are sufficiently qualified to dispense the advice that you will be required to give during the mediation. That is not something to be taken lightly. If the parties follow your advice and settle their matter on the strength of it, there would be no right of appeal or review. Their agreement would be binding on them and, if you have given incorrect advice, an injustice may follow.

What are the risks of practising as an evaluative mediator?

The most obvious is that you lose your impartiality as a mediator. If you tell the one party that you don't think that they have a good case and they don't agree with you and they don't accept that advice, it may become impossible for you to continue with the mediation as your position is now compromised.



PATRICK'S PONDERINGS

Secondly, if you give incorrect advice and a party acts on it to their detriment, you expose yourself to a claim for damages. Your level for exposure to a claim for professional negligence is much higher than in the case of a facilitative mediator, and you would require good professional indemnity insurance and would need to disclose to your insurer that you do evaluative meditations as their exposure would be greater, as would your insurance premium.

Of course, when talking about facilitative and evaluative mediation, we are not talking about absolutes. There is a spectrum of both forms of mediation.

Some facilitative mediators adopt a very neutral position, whilst others may use techniques to help parties appreciate their potential difficulties. For example, a mediator may say things like "have you sought any advice on the strength of your case?" or "what do you think a judge will say if you raise that defence?" Whilst not being evaluative, the mediator is subtly trying to get a message across to the party. And, if they are sufficiently perceptive, they might take the hint. That does not make the mediator evaluative but positions him or her more to the right of the facilitative spectrum. A similar situation exists with evaluative mediators. They may say things like "well I think that you may have difficulty proving that case" or, more strongly, "with my vast experience in the field, I think that you will definitely lose the case".

The bottom line in my view is that evaluative mediation is a dangerous area to mediate in, and I would not recommend anyone to practise it unless you are very confident of the particular area in which you specialise and you make it quite clear to the parties what your role as mediator will be.

Patrick



Patrick Scott has a Master's degree in Mediation and Conflict Resolution from the University of Strathclyde in Glasgow, serves on the Board of Mediation in Motion Mediators and practises as a mediator in Scotland and South Africa (remotely).



Ladies in Mediation



On 07 February 2026, MiMM hosted the first of its kind – a “Ladies in Mediation” event. It was a beautiful morning filled with likeminded ladies who are enthusiastic about the reconciliatory effect, and positive impact one can have as a facilitative mediator. There was also many sweet treats, drinks and a flower-bar to enhance the already pleasant mediation related discussions of the day.

The morning had an educational component with two interesting talks being presented. The first was a workshop style session presented by Sasha Wait and Lucia Kruger from Unique (Pty) Ltd about **emotional intelligence** in the context of mediation. They discussed what emotional intelligence is, why it matters, and how it can improve your mediation skills. This was followed by a role play in which the attendees could practise these new and useful skills.

The second was a keynote address by Adv Marie de Meyer about being **unapologetically confident** when mediating. She emphasised that our unapologetic confidence is founded in our wisdom, which gives us the gift of power. In turn, that power fuelled by wisdom will give us influence so that we can fulfil our purpose as mediators and not suffer from a form of imposter syndrome.

The event was a huge success and only the first of its kind. The feedback received from the attendees confirmed this without reservation:

“Thank you for making our gathering into an enriching and enjoyable experience for me this morning. I learned a lot and enjoyed your company... I hope that we will have further such gatherings.” – Doris

“I’m so grateful I got to meet all of you in person and looking forward to many more of these days.” – Carissa



“Thank you so so much for today... Mediation is the future and MiMM’s quality is next level. EQ and confidence is crucial in mediation: so much value to ponder.” – Magdel

“Such a wonderful learning experience.... I learnt a lot today. Looking forward to a continuation of sharing and learning.” – Neerie

“I want to thank every lady for a wonderful insightful and informative morning! I am happy to realize... I am not alone! Please let us do this soon again!” – Maryke

“Thank you, I thoroughly enjoyed myself and learned so much. I feel part of the mediation community and that is an honour.” – Marie



MiMM and the Gauteng High Court Mediation Directive

We are now a year into the Gauteng High Court Mediation Directive and Protocol. It has been a year marked by challenges, changes, and meaningful improvements. It has also been a year of connection, of networking and building relationships with remarkable individuals.

It has been an honour to dedicate my time and attention to the development, compliance, and implementation of the Gauteng High Court Directive and Protocol. Every member I have engaged with has played a vital role in shaping my vision for the Gauteng High Court Pillar.

That vision is one of a strong, collaborative community of high-calibre mediators who support one another while consistently delivering a high standard of mediation. I am proud to share that the GHC panel list has grown to 72 members, a testament to the collective commitment and excellence within our ranks.

Thank you to each and every mediator who has created opportunities for fellow MiMM members to observe or co-mediate alongside them. This spirit of collaboration and mentorship is what drives our growth, and the expansion of the panel list stands as clear evidence of your dedication and hard work.

In the year ahead, the GHC Pillar team will focus on streamlining the reporting process for the convenience of our members, further expanding the panel list, and supporting our mediators at every step of their mediation journey.

We encourage every mediator to engage with us and share suggestions or ideas on how the GHC Pillar can better support you in your Gauteng High Court court-annexed mediations.

A heartfelt word of thanks to my team, Anri and Mboniso, for their tireless support and dedication behind the scenes. I truly appreciate all your efforts, commitment, and assistance!





MiMM's next "Ask the Expert" session will be presented by **Magdel Vos**, a practising attorney whose law firm celebrated its 23 anniversary on the 2nd of May 2026.

2022 was a busy year for Magdel - she completed her MiM Training and UCT mediation course (something that has changed the trajectory of her career), and she also became a certified NBI practitioner (Neethling Brain Instruments) and **Mindsight** opened its doors. Little did she know at the time just how much these two courses would influence and impact each other...



Magdel describes herself as a solver and an imagineer. Maximising human potential is a great interest of hers, and in her spare time she loves adventure horse riding.

Magdel loves quotes. One of her favourites is by Howard Thurnman: **"Don't ask what the world needs. Ask yourself *what makes you come alive* and go and do that, because what the world needs is people who have come alive!"**

TOPIC: EMOTIONAL INTELLIGENCE AND "READING A ROOM" IN MEDIATION



Wednesday, 03 June 2026



Online via Zoom



**Free to MiMM Members
R300.00 to non-members**



18h00 - 19h00



1 MiMM CPD Point

Register via email at info@mimmediators.co.za by Friday, 29 May 2026 to receive the Zoom link.

2026 PROGRAM

ASK THE EXPERT

14 January

Reflective Practice
presented by Michael Lang

21 April

Facilitative Mediation v Evaluative Mediation
presented by Alan Nelson and Patrick Scott

03 June

Emotional Intelligence and “Reading a Room” in Mediation
presented by Magdel Vos

12 August

Administration of the Mediation Process
presented by the MiMM GHC Project Workgroup

14 October

Special Guest Speaker - TBC

07 December

A MiMM Recap on 2026
Presented by MiMM EXCO

Thank You

Mediation in Motion Mediators (NPO) extends its heartfelt appreciation to **Mr Ryno Pohl** for his outstanding service as **Treasurer** over the past two years. What makes his contribution especially meaningful is that he fulfilled this important role entirely on a voluntary basis, giving generously of his time, expertise, and energy in service of the organisation.



Throughout his tenure, Ryno has played a significant role in strengthening MiMM's internal financial and administrative systems. His contribution to streamlining processes, ensuring accounting compliance, and supporting the operational work of the EXCO has been both valuable and deeply appreciated. His steady, reliable, and professional approach has helped provide the organisation with a sound financial foundation during an important period of growth and development.

Beyond the technical aspects of the role, Ryno has served MiMM (NPO) with commitment, integrity, and a genuine willingness to assist wherever needed. His support has not only helped improve systems and governance, but has also contributed to the overall stability and functioning of the organisation. It is this spirit of service that has made his involvement so greatly valued.

We are equally grateful that, even as he steps down from the position, Ryno has committed to assisting with a structured handover process and to helping identify a suitable successor. This speaks once again to his care for MiMM and his desire to see the organisation continue to thrive.

On behalf of MiMM (NPO), we offer Ryno our sincere thanks for his dedicated service and his many contributions over the past two years. We wish him every success and happiness in the next chapter, and we trust that his connection with our organization will remain a valued one.



MEDIATION IN MOTION MEDIATORS

U P C O M I N G

Mediation in Motion Training (Pty) Ltd

Medical negligence and health
sector mediation

25 to 29 May

Nelson Wine Farm, Paarl

Advocates, attorneys and other
qualified legal practitioners
mediation

22 to 26 June

Nelson Wine Farm, Paarl

Advocates, attorneys and other
qualified legal practitioners
mediation

13 to 17 July

Online

Advocates, attorneys and other
qualified legal practitioners
mediation

3 to 7 August

Online

STATISTICS AND REPORTING

MiMM has launched a new reporting process. Three links have been created and is accessible from the MiMM website.

Form 1 is to be completed on confirmation of your appointment as mediator. A matter number will be allocated to your matter. The matter number must be used in all communication with MiMM.

Form 1: MiMM Notice of Appointment

Form 2 must be completed on conclusion of the mediation indicating the outcome of the matter.

Form 2: MiMM Mediation Outcome

The final form is the anonymised party feedback form. The link for this form must please be sent to the parties in order for them to complete it with in 10 court days of completion of the mediation.

Anonymized Party Feedback

It remains the responsibility of the mediator to ensure that all matters mediated under the auspice of MiMM is reported to MiMM.

Please feel free to email me esta@mimmediators.co.za or ghc@mimmediators.co.za if you have any questions or suggestions.





MEDIATION IN MOTION MEDIATORS

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