

*Mediation for Civil Litigators: issues and solutions.* By John Hollander. Toronto, ON: Irwin Law 2013. xxii, 239 p. ISBN 978-1-55221-347-6 (softcover) \$30.00. ISBN 978-1-55221-348-3 (e-book) \$30.00.

*Mediation for Civil Litigators* is one of six titles in the Young Advocates Series by John Hollander, published by Irwin Law. The series focuses on some fundamental legal and litigation skills that may not be readily available elsewhere. This publishing gap “creates a need for practical advice, in the form of concise, practical handbooks, for each of the many subjects that junior lawyers require to get through their days” (p. viii) which this series fills.

A foreword by Justice Robert Beaudoin of the Ontario Superior Court provides the context for the development of a mediation culture in Ontario. This has arisen, in part, due to the integration of the mediation process in the rules of civil procedure, known as the mandatory mediation rule. The background provided in the foreword is useful in understanding how fundamental mediation has become in civil litigation.

The book is organized into seven chapters, with a logical progression from the first chapter on preparation, through chapters on the plenary session, caucus, negotiation tactics, client focus, the mediation process, and specific subject areas. The book covers considerations that arise throughout the entire process--from choosing a mediator to preparing the minutes of settlement (and everything in between).

Each chapter is divided into subsections containing commentary by the author, followed in many instances by focused remarks by one or more experts. The experts--Rohan B. Bansie, Rick Brooks, Blaine Donais, Steven C. Gaon, Hilary A. Linton, Richard J. Moore, Kevin Mullington, William L. Neville and Joel Wiesenfeld--are all experienced mediators and provide their commentary from that point of view. A resume setting out each expert's credentials and experience is included in the book.

The author and experts bring their years of experience to provide insight into the mediation process involving not a “how to” but rather a “what to think about” walk through the process. This approach recognizes that the intended users of this handbook are practising professionals who will be advising and representing clients at mediation, therefore making judgement calls, decisions, and giving advice in diverse circumstances. The book draws on the combined experience of the contributors to allow the reader to see how the mediation process unfolds generally and to anticipate many common issues that may arise.

While the author and experts are all Ontario based--the series having arisen from the Ottawa-based Advocacy Club--the commentary is general enough to be useful in all jurisdictions. There may be some variation in local practice or the application of provincial legislation (such as rules of practice/procedure), but the advice as to what lawyers should consider at mediation will still be of value.

Mediation is a dynamic process, sometimes fast-paced, and with many tactics and strategies at play. The author does not delve into the theory of mediation and alternative dispute resolution, but rather keeps the focus practical. The aim of the book is to help the reader understand the mechanics of mediation, and the roles and goals of the various participants. Hollander describes how this all relates to lawyers representing their client. Discussion of some issues, such as providing legal advice, confidentiality, and authority to settle recur throughout the book as there are nuanced and different points to be made.

Overall, the book offers the reader a good overview of the process and the role of counsel in mediation, and the thorough index allows the reader to use the book as a quick reference on specific aspects of mediation. *Mediation for Civil Litigators: issues and solutions* is a valuable resource for junior lawyers

and for libraries supporting practitioners. The book may also useful for self-represented litigants to understand the mediation process in the context of civil litigation.

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