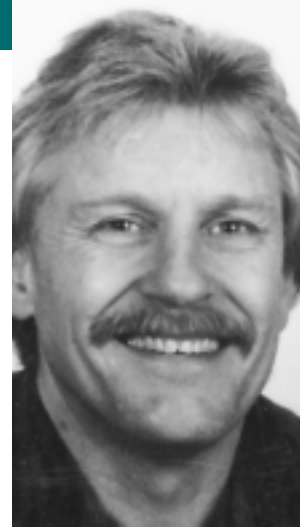


Rick Evans



Mediation *and* BC Notaries

In 1998, Ken Sherk—a past president and the current Second Vice President of The Society of Notaries Public of BC—suggested that a session on arbitration and mediation at The Society’s Annual Conference would likely be of interest to BC Notaries Public.

This was met with a little skepticism, only because the concepts of arbitration and mediation, while not unfamiliar terms, were virtually an unknown quantity as they related to notarial practices. Ken presented a session on arbitration and introduced Sharon Sutherland, lawyer and mediator, to explore the concept of mediation with conference participants.

It was not the mediation many of us hear about in the union negotiations or hospital employee situations, where a mediator essentially acts as an arbitrator. This was about interest-based mediation.

What is that, you might ask?

Mediation is one form of conflict resolution that recognizes that a successful resolution of differences between and among parties need not necessarily end in litigation. Mediation may be defined as an intervention in dispute negotiations by a trained, neutral third party with the purpose of assisting the parties to reach their own solution.

Therefore the mediator does not recommend a solution but empowers the parties to reach their own solutions.

With interest-based mediation, the mediator attempts to move the parties from their positions—the facts—and helps them focus on and understand each other’s interests—their underlying motivations, goals, hopes, and fears. In essence, the mediator attempts to separate the facts from the misunderstandings.

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As a result of that informative conference session, The Society of Notaries decided to ask Sharon if she would create a five-day mediation workshop for BC Notaries. At that time, Sharon was spearheading the Court Mediation Practicum Program, which was designed to introduce mediation into the Small Claims Courts in Vancouver and Surrey.

The Society recognized that mediation training would not only provide another area of practice in the notarial profession, it would provide BC Notaries with valuable skills to resolve conflicts in their everyday relationships with clients, peers, family, etc.

In short, it would provide BC Notaries with the tools to improve their lives and communication skills. In addition to providing basic mediation education, the

workshops were designed using mediation in the Small Claims Court setting as their model. Having completed the workshops, if they wished, participants could enter the Court Practicum training program.

Over the past three to four years, some 120 BC Notaries have completed the mediation workshops. In addition to their regular practices, a number of Notaries are mediating in the Small Claims Courts in Vancouver, Surrey, Nanaimo, and Victoria as Provincial Court Civil Mediators.

Two years ago, the mediation workshop was included as a subject in the Notary Preparatory Course and is held after the students have successfully completed their studies to become a BC Notary Public.

The Society of Notaries Public of BC has endorsed mediation as being within the practice of a Notary. The techniques learned in the workshops give practising Notaries many of the skills needed to resolve conflicts and to communicate more effectively with their clients and peers. ▲

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