



Blackthorn Resolute

MEDIATION GUIDE SERIES · GUIDE 04 OF 04

Civil Disputes: Mediation for Accidents, Neighbours & Contracts

A practical guide to resolving everyday non-criminal civil disputes — without the cost, delay and stress of going to court.

A PRACTICAL, NON-CRIMINAL DISPUTE GUIDE
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UNDERSTANDING THE PROCESS

What Mediation Is — and When to Use It

Civil mediation is a confidential process where a neutral mediator helps two or more parties in a non-criminal dispute reach their own agreement, instead of having a court impose one.

It covers a wide range of everyday civil matters: disputes after an accident or minor injury, disagreements between neighbours over boundaries, noise or property, and disputes between individuals or businesses over contracts, payments or services. It is entirely separate from criminal proceedings, mediation resolves the civil consequences of a dispute, not questions of criminal liability.

CONSIDER MEDIATION WHEN	GOOD TO KNOW
• You and the other party disagree about liability, compensation or an outcome • Going to court would cost more than the dispute is actually worth • You need to keep a relationship going — a neighbour, a client, a supplier • The dispute has stalled and direct communication has broken down • A court or claims process has suggested mediation as a step first	Many small claims and civil court processes now expect you to at least attempt mediation before a case is heard, and refusing a reasonable offer to mediate can sometimes affect who pays legal costs later, even if you win at trial.

Why it exists

Most civil disputes are not actually about a legal principle — they're about money, an apology, a repair, or a boundary being respected. Courts are built to establish who is legally right, which is slow and expensive for disputes that are really just about reaching a workable, practical resolution. Mediation exists to get to that resolution directly.

WHEN THE DISPUTE ARISES

What To Do, Step by Step

01 Get the facts and any documents in order

Gather everything relevant: photos, correspondence, invoices, contracts, repair quotes, or medical or accident reports. A well-organised set of facts is the single biggest factor in a productive session.

02 Try direct contact first, in writing

Before formal mediation, send a clear, factual written proposal to the other party. Some disputes resolve here; where they don't, that letter becomes useful context for the mediator.

03 Check if mediation is required or offered

Look at your contract for a dispute resolution clause, check your court or claims process for a pre-action mediation requirement, or ask your insurer whether mediation is available before pursuing a claim.

04 Find an accredited civil mediator

Choose a mediator experienced in the relevant area — contract disputes, personal injury, or property/boundary matters are quite different in practice. Confirm fees and how they're split between parties upfront.

05 Prepare a short position statement

Set out, in a page or less: what happened, what you want, and what you'd realistically accept. This isn't a legal pleading — it's a working document for the session.

06 Set a realistic settlement range beforehand

Decide your ideal outcome and your walk-away point before you sit down. Going in without a clear range makes it much harder to recognise a fair offer in the moment.

07 Attend the session ready to move

Mediators often move between separate rooms in civil disputes, testing offers on each side. Be ready to explain your reasoning, not just restate your position more firmly.

08 Get any settlement in writing immediately

If you reach agreement, sign a written settlement agreement in the same session if possible. Verbal agreements that aren't documented are far more likely to unravel afterward.

GETTING READY

How to Prepare & What Happens Next

Bring / prepare this before your session

- ☐ Photos, correspondence, contracts or invoices relevant to the dispute
- ☐ Any accident, incident or repair reports, if applicable
- ☐ A one-page summary of what happened and what you want
- ☐ Your realistic settlement range, decided before the session
- ☐ Insurance policy details, if the dispute may involve a claim
- ☐ Contact for a lawyer to review any settlement agreement before signing

Inside the mediation

Civil mediations often run for half a day rather than a fixed hour, especially for contract or accident disputes involving money. Expect a joint opening where each side outlines their position, followed by private sessions where the mediator tests offers and reasoning with each side separately. The mediator has no power to force a decision — they can only help you both find a number or a resolution you're each willing to accept.

Possible outcomes

A signed settlement agreement, often involving a payment, a repair, an apology, or an agreed change in behaviour going forward; a partial resolution that narrows the dispute before court; or no agreement, in which case you retain your full right to pursue the matter through the courts, generally without anything said in mediation being used against you later.

BEFORE YOU GO IN

Common mistakes to avoid

- ✗ Turning up without documents, receipts or a clear timeline of events
- ✗ Opening with your walk-away position instead of a realistic starting point
- ✗ Refusing to explain your reasoning, and just repeating your demand
- ✗ Leaving without a signed written agreement when one is reached
- ✗ Ignoring a reasonable mediation offer, which can affect legal costs later

Frequently asked questions

Is mediation legally binding for civil disputes?

Not automatically. A mediated agreement becomes binding once it's put in writing and signed as a settlement agreement by both parties — that document is generally enforceable like any other contract.

What happens if we don't reach an agreement?

You keep your full right to pursue the dispute through court or another formal process. Most jurisdictions treat mediation discussions as confidential and without prejudice, meaning they generally can't be used as evidence later.

Who pays for civil mediation?

It varies. Costs are often split equally between the parties, though this can be negotiated, and some contracts or insurance policies specify who covers mediation fees.

Can mediation work for neighbour disputes over boundaries or noise?

Yes — these are some of the most common civil mediations, precisely because both parties usually have to keep living next to each other afterward, which litigation tends to make harder, not easier.

Do I need a lawyer to attend mediation with me?

Not required, but for disputes involving significant money or a complex contract, having a lawyer review your position beforehand and any settlement afterward is strongly advisable.

Contact us

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Not legal advice. This guide describes how civil mediation generally works for non-criminal disputes and is intended for general educational purposes only. Court rules, cost consequences and mediation requirements vary by country and by the type and value of the dispute. Seek independent legal advice specific to your situation before entering or signing any settlement.