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Satisfaction Experiences with Tenancy Mediation: Why is it so Successful?

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Abstract Tenancy mediation is a form of systematic practice that has become firmly established in a number of different legislatures. Yet there has been little research on what makes this an effective or satisfactory procedure. This paper presents a study based on quantitative and qualitative research that looks at tenancy mediation in New Zealand. Drawing on the method of appreciative inquiry, it finds that a consistently high rate of participant satisfaction with voluntary mediation comes from three main components of mediation practice. These are to do with three-way interactive mediator assistance, recognition and reframing, and 'trust in practice.' Together, these often generate an experience of transformative mediation which underpins the satisfaction that disputants report.

1. Introduction

Research findings consistently show mediation to be a form of conflict resolution that works. As Marsh (2000) notes, mediation commonly boasts settlement rates of 80% and better. It is also a mode of formal conflict resolution that is well aligned with action research methods. As Akdere (2003, p. 350) puts it, 'action research is an excellent tool in achieving a principled negotiation throughout the conflict resolution process.' We investigate this by examining the practice of tenancy mediation, a disputes procedure that is widely and routinely available in a number of western legislatures. Tenancy mediation has become an increasingly popular alternative to litigation over the last twenty years and its location

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within a larger legal framework has allowed it to evolve as a distinct form of systematic practice. Sindler and Lynch (1996, p. 38) sum this evolution up by commenting that, "The object of winning, so essential to the adversary system, often obscures the advantages of an agreed solution. Parties are generally more satisfied with an agreed solution than with adjudication."

Yet, there has been relatively little research on what makes this systematic form of conflict resolution a significant or preferred option. This paper indicates how action research can identify some of the processes that make mediation an effective and satisfying experience for participants, and how these findings can assist in enhancing systematic practice in the field.

Mediation, particularly where it is voluntary, is common for employment, environmental and community disputes. Often this is because there are fewer risks for parties when, unlike adjudication, unilateral decision-making is not imposed (Bercovitch and Jackson 2001). Generally, mediation takes place as a primary, non-coercive practice inside a framework where it is the first step, prior to litigation, to resolving conflict. From the late 1980s this has helped make mediation an increasingly popular procedure in all types of civil cases.

This study draws on research into New Zealand tenancy mediation and takes up three issues in particular. First, it explores what it is about mediation that makes it an effective process. Second, it takes up an issue of systematic practice through a discussion of transformational mediation. Transformational mediation proposes that underlying issues within a conflict can be successfully reconfigured through the mediation process (Byrne 2001). This practice is built into New Zealand mediation training and the present paper indicates it is an important component of successful mediation. Third, we suggest that paying attention to how this transformative work takes place indicates how it can inform systematic practice in the field.

The paper begins by locating New Zealand practice in the context of other approaches to tenancy mediation. It then analyses recent survey data gathered by the New Zealand Tenancy Services. A sub-sample of respondents drawn from this data was then interviewed and observed in mediation settings as part of a more detailed qualitative study. This material was analysed through the frames of appreciative enquiry and analysis suggested that the role of the mediator was pivotal to the experience of satisfaction. The paper concludes by considering how these findings relate to tenancy mediation, mediation practice and future research possibilities.

1.1. Tenancy mediation

Mediation is an integral part of dispute resolution between landlords and tenants in a number of legislatures. However, working practices and formal arrangements often differ amongst them. In New Zealand, a neutral third party assists in face-to-face mediation so that contending parties can voluntarily reach a mutually acceptable settlement (Folberg and Taylor 1984; Moore 1986; Ehrman 1997). The Residential Tenancies Act 1986 then establishes a binding adjudication founded on the mediator's decision. Lawyers are rarely involved and mediation commonly takes place in the shadow of alternate resolution procedures that are likely to be more emotionally and financially costly. Often the motivation is to avoid a greater set of problems.

This two-step procedure, of mediation preceding formal adjudication, is similar to Australian and American procedures. Philosophies are similar across the systems with mediation sponsored to resolve issues through participated and facilitated negotiation

(Cohen 1995). While tenancy mediation typically encourages the parties to handle their own issues personally without the involvement of lawyers in the mediation forum, this is a point where there may be distinctions between one system and another.

For instance, Australian disputants may work either through mediation or through an alternative dispute resolution (ADR) mechanism that combines conciliation and mediation. This focuses predominantly on collaboration, participation, facilitated problem solving consensus and mutual compliance with agreed outcomes (Anago 2000). The overarching philosophy of conciliation is established on the premise of peace-making that reflects harmony and consideration (Sindler and Lynch 1996; Williams 1995).

ADR is a fundamental part of US legal process but, unlike New Zealand, it can be enforced as a preliminary step to arbitration. It may also be more contractually based in setting out the terms, processes and parties to the disputes process (Comodeca 2002). There are also differences between federal and state levels of mediation that are absent in New Zealand.

1.2. Tenancy mediation in New Zealand

Tenancy mediation takes place in 22 locations in New Zealand involving a team of 56 mediators. The follow-on step of adjudication is offered in 14 regional locations via 37 part-time adjudicators. In 2002, there were 45,000 applications for tenancy mediation in New Zealand. The 0800 hotline service received 240,000 phone calls. For the 2002 demographic, 60% (27,000) of all applications were resolved out of court with 82% (36,900) of mediations occuring within 10 days of application being made. In contrast to Australia, where a large number of mediations take place over the phone, the New Zealand context sees mediation taking place in a shared physical space with contact between the parties as a major focus. Anecdotal evidence suggests that face-to-face contact does seem to inform the success of the mediation process. The presence of a concerned party with recognised negotiation skills, external to the conflict, positively contributes to a successful outcome (Bercovitch 2003). 60% of all applications were resolved in 2002 via mediation, a settlement rate lower than the 80% figure commonly suggested as part of the general American experience.

Landlords and tenants are equally entitled to initiate mediation proceedings under the Residential Tenancies Act 1986 (NZ). Of the 45,000 applications for mediation, 92% were from landlords (41,400) and 8% were from tenants (360). Of the landlord applicants 23% (9,522) involved applications from State Housing and 77% (31,878) represent applications from the private sector. The core issue generating the application in 80% (36,000) of cases is rental arrears (Cohen 1995).

The process starts with the lodging of an application with Tenancy Services Office of the Ministry of Housing. Upon application, Tenancy Services encourages voluntary participation with mediation as the first step of the process and access to adjudication is very often quicker if the parties go to mediation first. Typically, notification of a mediation hearing takes 1–2 weeks and follows an application to the Tenancy Services office of the Ministry of Housing. If the parties do not agree to mediation or, if it is unsuccessful, the case is transferred to the Tenancy Tribunal. If the mediation finds a mutually acceptable endpoint, the mediator writes up both the conditions of agreement and the sanctions for breaking them, and both parties sign these. Tenancy mediation is entirely voluntary and the parties may withdraw at any time without consequence or sanction (Benjamin 2000). Disputants also have some latitude in determining who will mediate their case. Mediators who have mediated for either

party previously or who are known to one or more of the parties generally do not have to mediate unless requested (Blatt and Wollert 1999).

2. Research method

The study was developed in two stages. First, it took recent survey material gathered by the New Zealand Tenancy Services that investigated what made New Zealand mediation a generally satisfactory experience. Secondly, it used this data to develop a sample of participants and mediators for a qualitative study. This involved post-mediation interviews and observational data. Drawing on the method of appreciative inquiry, the research sought to generate constructs identifying the components of satisfaction expressed by both disputants and mediators. These verbal accounts were triangulated (Denzin 1997) with participant observational data gathered by viewing live mediation sessions.

2.1. Survey findings of the quantitative phase

Between 2000 and 2003, Tenancy Services periodically initiated an internal post-mediation survey to consider disputant feedback. Mediators invited participants to complete a survey post-mediation. The survey instrument comprises 10 questions that asked respondents to rate their experience on a 5-point Likert scale ranging from excellent to poor. This data was made available to the researchers. The first look at the potential data set indicated that disputants had, on the whole, responded strongly both to the process and the mediator. Our interest was in what it was about the mediation experience that was satisfactory. In order to pursue this, we identified a sub-sample of 100 survey forms from the original data that met a number of criteria.

These criteria enabled us to identify responses where we could undertake more detailed qualitative research. Key criteria were responses where mediation was found to be an effective or satisfying experience; where survey forms were more recently completed; where either the region or the mediator could be identified.

The survey instrument asks disputing parties to rate their mediation experience and mediator performance. Responses indicated that 83% of respondents were satisfied with the way the mediation was run. Of these, 51% felt that the way the mediation was run was excellent. In particular, 93% of respondents expressed satisfaction with the amount of time spent on the issues to be resolved. Mediators were also perceived favourably. 94% of respondents reported clear explanations, (50% felt these to be excellent and 39% perceived them to be very good). 92% (57% excellent, 49% very good) felt mediators listened to them. 81% of respondents felt that they were fairly treated (49% excellent, 32% very good). There was no different response regardless of whether the responding party was a landlord or a tenant. Despite a lower than anticipated rate of settlement for tenancy mediation in New Zealand (60% settlement in 2002) as compared to settlement figures for mediation commonly quoted in the range of 80% and higher (Marsh 2000), the sample suggests strong satisfaction with the experience. The survey data also suggests particular satisfaction with three factors: the length of time the process took; the experience of being listened to, and a feeling of being fairly treated.

2.2. The qualitative phase: Satisfaction as an experience

Once the survey data was analysed, we undertook the qualitative study. Mediators assisted with gaining entry to observe the confidential mediation process and with invitations to the

disputing parties to be interviewed after mediation. Interviews took place within one week of the mediation event and were typically on site at the rooms of the Mediation Service. While many parties indicated interest and a willingness to participate, a number of disputing parties failed to keep their interview times. Nonetheless, four landlords (*Brian, Keith, Robert, David*), three mediators (*Danielle, Matthew, Elisabeth*) and three tenants (*Rachel, Diane, and Jack*) were interviewed. Pseudonyms have been adopted in the reporting of data and are italicised. Although this is a small sample of the 100 survey forms originally identified, the subsequent qualitative data we generated was still sufficient to produce meaningful findings, as we document below.

The tapes of the semi-structured interviews were then transcribed and examined. The interview transcripts were first read as a data set. Next, responses relating to experiences of satisfaction or to effectiveness were explored. Using the method of appreciative enquiry, these responses were collated into tables according to the structure of the experience ('what?') and the focus of the experience ('how?').

We adopted this method because it is a conceptual re-configuration of action-based research (Cooperrider and Srivastva 1987; Ludema et al. 2001). It offers a perceptual and contextual frame where analysis focuses on the ingredients of actions that contribute to a successful experience or outcome. This appreciating distinction offers the scope to distinguish between what it is that contributes to satisfactory or effective experience and how this is achieved. The approach has been applied to organisations and more recently to teams, interactive groups and leadership (Bushe and Coetzer 1995; Bushe 2001; Bushe and Pitman 1991).

2.3. The mediation process

The mediation process was observed to take place in a structured pattern. The events involved open discussions facilitated by the mediators where each party had an opportunity to speak and respond. They also involved adjournments, particularly if tempers escalated, or if a point of law needed checking by the mediator. The tenancy mediations observed ranged from twenty to seventy-five minutes in duration. Mediators promptly arrived as parties checked in at reception. After introductions, participants moved to interview rooms. In the opening phases mediators outlined their role, the reason for the meeting, and what would likely happen if a resolution was or was not achieved. Applicants were offered the first turn to speak. Here, mediators often sought greater depth of information and clarification through the parties giving voice to their side of the conflict. Once the nature of the dispute was established, mediators shifted discussion to focus on information and what it would take to settle the dispute. In the later phases, discussion often centred around repayment schedules, bond issues and what would happen if defaulting occurred. If agreement was reached, mediators documented the arrangement. Each party was given an opportunity to read, confirm and sign their understanding of the document, often in the presence of the other disputing party. In closing, mediators reiterated the solution and what would happen in the event of default; pleasantries were exchanged and the meeting ended.

3. Results and analysis

Interviews with disputants and mediators were analysed using appreciative enquiry. Respondents' answers were also cross-checked against the observational data gathered from watching mediations in process. From this material, it was possible to derive a number of

Table 1 Satisfaction as a disputants' experience of tenancy mediation (How the disputants understand the mediator's behaviour/practice or how the disputant understands the mediation process)

Focus of the experience (How?)	Structure of the experience (What?)
Satisfaction comes from reaching a solution	'I confess to being apprehensive prior to this meeting—I left feeling a real purpose had been served' *(Diane)*. 'I am very impressed by the mediation offered—we achieved closure on a matter, which we couldn't have done alone' *(Jack)*.
Satisfaction comes from the mediator assisting with empathetic shift tied to a resolution	'I wasn't that encouraged about the tenant's point of view as he had already admitted fault. But having him sum up all the bad things that had happened to him made me more understanding and patient' *(Keith)*.
Satisfaction comes from being listened to, from having scope to resolve the dispute with a sense of determination	'The mediator was good . . . listened to suggestions, was prepared to stay within the Act but allowed flexibility if I agreed to it' *(Brian)*.
Satisfaction comes from solving the dispute with compromise	'It is difficult coping when both parties are getting emotional—our mediator did a great job of keeping us all on track and facilitating a compromise' *(David)*.
Satisfaction comes from voice, understanding potential solutions and choice	'Clarification on legalities and procedures was readily given. Both parties had the encouragement of the mediator to express concern in their own way. The mediator efficiently summarised what both parties had agreed to in order to remedy the situation' *(Robert)*.
Dissatisfaction comes from not having a sense of voice	'The mediation was a complete waste of time (and) didn't achieve anything. They were uptight and not prepared to discuss . . . there was no opportunity to respond, no chance to answer . . . The mediation was not effective but it was not their (the mediator's) fault' *(Rachel)*.
Satisfaction comes from assistance and a feeling of the mediator being there to help	'The mediator spoke to my landlady's lawyer for me and I really appreciated this as things got rather emotional and the lawyer was inclined to change her story to suit herself' *(Rachel)*.
Satisfaction comes from the mediator helping the parties with clear explanations	'A co-operative tenant perhaps assisted the mediation although I give credit to the mediator for the clear explanations that were made to the tenant' *(Brian)*.
Dissatisfaction comes from a breach of expectations	'I expected to sit at a table and didn't' *(Rachel)*.

common constructs that articulated different aspects of mediation which were experienced as satisfactory. In Tables 1 and 2 these are given as the 'focus of the experience (how?),' with typical responses listed under 'structures of the experience (what?),' a division which reflects an appreciative enquiry framework. Responses of disputants (Table 1) are given separately to those of mediators (Table 2).

We identified nine constructs arising from disputants' experience. These range, as Table 1 shows, from the satisfaction of simply reaching a solution to the dissatisfaction experienced with a breach of expectations. We comment further on these constructs below, but it is enough to note here that that there is an emphasis on the disputants being able to speak; of being listened to; of experiencing the mediator as empathic and helpful; of receiving clear explanations, and with reaching an outcome.

Table 2 Mediator's views of disputants' satisfaction with tenancy mediation (How the mediators understand mediator behaviour/practice or how the mediator understands the mediation process?)

Focus of experience (How?)	Structure of experience (What?)
Disputant satisfaction comes from voice and agency	'In a way this is a negotiation session where you have the opportunity to say what's going on from your point of view; I can explain the law but can't make the decisions. I may be able to offer practical solutions without telling you what to do' *(Danielle)*.
	'I'm not here to tell you what to do; this is your chance to solve it' *(Matthew)*.
Satisfaction comes from moving the dispute to a solution	'This is an incredibly useful service and also allows people who feel powerless to at least safely discuss issues and clarify both sides' *(Elizabeth)*.
Listening, practical, solution focus	'. . . time in the information gathering phase is important as it leads to greater satisfaction and better results . . . it's not about imposing structure from the outset (I used to) but in part the more people (involved) the more structured the process'*(Danielle)*.
Effectiveness comes from solutions and making progress, by mediators enabling the parties and practical or realistic solutions as compared to what might likely happen if a solution to the dispute is not found	'It has a focus on the communication heard, explaining the law, focus on the practical and knowing (through experience) what will work and what will not work'*(Matthew)*.
	'(An effective mediator) engages in "reality testing" and makes suggestions for ways that things can get solved and providing a framework for solving the dispute' *(Elisabeth)*.
Satisfaction results from power re-balancing, equality and mediators assisting parties to be accountable	'The mediator's role is impartial but not necessarily neutral. For example, comments to destabilize relationships might need to be neutralised, mediators might need to re-balance power . . . Mediators need to treat everyone the same and remain unbiased. Mediators need to keep everyone honest and truthful . . . . You get them to explain it. Mediators need to balance the bargaining power and this is achieved by enabling the parties to see each others' points of view . . . and the mediator sometimes needs to be directive. For example, as I see it these are the three options . . . .' *(Elisabeth)*.
	'. . . it's about checking that a solution is realistic and that is about taking responsibility' *(Elisabeth)*.
Interaction shifts in decision making	'A third person makes it easier to ask things, safer . . . it creates different dynamics, previous patterns are broken' *(Elisabeth)*.
A relationship orientation is part of the process	'I believe mediation is least successful when it is just about pure debt collection and there is no ongoing relationship' *(Elisabeth)*.

Where the mediators were concerned (Table 2), similar features can be found. These include the importance of being able to speak openly; of being listened to; of the mutual interaction needed to reach a satisfactory decision, and with reaching an outcome.

Drawing upon both data sets, and triangulating these with the observational material from the mediation sessions, the responses suggested three organising dimensions:

- Three-way interactive mediator assistance
- Recognition and reframing
- Trust in practice

Table 3 Dimensions held to be contributing to satisfying tenancy mediation experiences

Dimension	Experiences of satisfaction and hence effectiveness come from

3-Way Interactive mediator assistance
  – Closeness to the issue
  – Solution focus
  – Being centrally involved in the process as a disputing party
	• That the parties are centrally or directly involved in the discussions of both the issue and of potential solutions to the dispute
	• Satisfaction stems from reaching a settlement and from a focus on solutions to the dispute
	• Satisfaction comes from being centrally or directly involved with voice and agency

Recognition and re-framing
  – Reframing, a shift in orientation towards the dispute
  – Understanding party disparity and possibly some empathy with the other party's perspective
	• Satisfaction is born from a different way of understanding the nature of the dispute, solution options that present themselves, the resolution framework provided by the Tenancy Act and likely outcomes and what they mean to the parties
	• Hearing the other parties position may lead to a degree of empathy for the situation which may be a starting point for the negotiation of a positive resolution to the dispute. This is likely catalytic
	• A facilitated shift from a conflict focus to a resolution focus a shift from fighting talk to a language of solution

Trust in practice
  – Mediator style/approach
  – Early and timely intervention
	• Satisfaction and the experience of process effectiveness come from trust that the process will provide a workable solution. An implicit strength of the process is that the mediation has clout. There is strong motivation from the parties to settle the dispute without further escalation (increased financial, emotional and time related costs including a loss of privacy for the issue). Within this context the mediator can educate the parties as to process and entitlements under the applicable pieces of legislation. There is also advantage with prompt and early intervention in that it allows for disputes to be openly aired without increasing time leading to dispute escalation and the point where a solution might become unattainable

These dimensions are presented in Table 3.

What also became clear from the interviews and observational material was that there was a balance between these three dimensions. This contributed not only to the possibility of a successful outcome but also to a satisfactory experience with the process itself. This is reflected in comments from some of the disputants listed in the tables.

Taken together, the three dimensions suggested a framework existed within which satisfactory experience was likely to be generated. Satisfaction commonly arose out mediator-initiated interactive assistance in the decision making process. Mediator intervention contributed to a mutually agreed outcome between the disputants rather than an imposed one. To reach such an agreement, however, often involved a transformative experience. We discuss the debate around transformation in the next section but, for now, we note that transformation was likely to take place around certain interactions: when there was a shift in disputant understanding of either the nature of the dispute or of what had led to a crisis point, of what it would take to "fix it," along with an acknowledgement of the potential risks if no agreement was reached; recognition and reframing (see Table 1 quotes). In this respect, a

transformative approach appeared to be blended with an advisory element: mediators also provided information as to the nature of the process and the likely outcomes if conflict continued (Table 2 quotes).

Participants engaged in a transformative approach develop a heightened sense of self awareness leading to the demonstration of increased autonomy and empowerment enabling them to participate actively in moving the dispute forward (see Tables 1 and 2 quotes).

This could take place because of the balance between the three dimensions identified which made up the mediatory framework. For instance, when recognition and reframing occurred, then disputants could choose to become more responsive to the other party's viewpoint: they could recognise its potential validity and this, in turn, allowed each party to alter its perspective in a series of successive interchanges. However, this also required positive three-way interaction (the first dimension) and trust in practice (the third) so that each disputant was willing to believe both that the process could contribute to the resolution of the dispute and that the other party would uphold their part of the resulting agreement. Out of this, a sense of empowerment and recognition generally emerged and was reflected in the high levels of satisfaction as well as the comments of mediators and disputants. Empowerment and recognition, of course, are the two key elements of transformative mediation identified by Bush and Folger (1994).

Trust was also placed in the institutional power vested in the mediator. For instance, mediators commonly indicated their belief that a transformative approach was effective in unravelling the underlying issues or misunderstandings at the heart of the dispute (Table 2 quotes). Usually, this led disputants to become more cooperative in finding a mutually acceptable solution. In turn, this offered a fresh platform on which trust could be rebuilt. Trust in practice, then, appeared to stem from trust in mediator practice and a 'comfort' with the mediation process, whether this led either to mutual agreement or trust in formal tenancy institutions to provide an acceptable adjudicated solution.

Whatever the outcome, disputants saw the mediator as crucial in providing a forum in which factual and emotional issues could be aired safely, so that purposeful interaction could result in mutually acceptable outcomes and, sometimes, restored relationships. This was regardless of whether the issues were from landlords concerned with the transactional questions of rental arrears or tenants motivated by relational concerns around tenant-landlord reconciliation.

In each case, three-way interactive mediator assistance, recognition, and trust in practice appeared to be the building blocks on which effective transformational mediation solutions were constructed. It is these dimensions, worked out through the crucible of transformative experience, which appear to explain the high satisfaction rates reported for this form of face-to-face three-way mediation.

4. Discussion

In 1994, Bush and Folger proposed a transformational approach to mediation in which mediator support, empowerment and recognition is central. 'Transformative mediation has taken hold in certain mediation circles, generated consternation in others and been the topic of vigorous debate at some professional mediators' conferences (Gaynier 2005, p. 397). Broadly, it has been criticised as evolving from observations rather than systematic analysis of theoretical concepts. Also, there are many practitioners who believe it is a good start but that it does not fully capture their work. Gaynier (2005) articulates this position suggesting that reason lies with Bush and Folger's (1994) narrow dependence on empowerment

and recognition, ignoring such other powerful influences as resistance, a disputants' own competing (or conflicting) interests and a mediator's lack of awareness of their influence as a player in the dynamic.

This research provides more evidence with which to evaluate the debate. It provides a more systematic analysis of data, albeit from a relatively small sample of respondents. It identifies three components of satisfactory mediation which expand what Gaynier (2005) describes as a narrow dependence on the two key terms of empowerment and recognition. It also highlights mediators' awareness of their particular role in the dynamic.

Does this amount to transformative mediation? Two points deserve consideration. First, the available data does not suggest that all mediation experience is either satisfactory or transformative, and we do not argue that this is so. Rather, the research suggests that the potential for transformation and satisfaction exists when the three components of face-to-face mediation are present: the mediator's intervention and influence 'transforms' the disputants from their 'stuckness' (past) through the tenancy mediation process (present) into resolution and repaired relationships, in turn providing opportunity and ability for disputants to 'move forward' while rebuilding trust (future).

Moreover, where transformative mediation is concerned Zumeta (2000), in reviewing the debate, follows Imperati (1997) and Riskin (1994) to suggest that, far from being sharply defined, transformative mediation is most commonly part of a continuum of mediation practice: a continuum that includes both evaluative and facilitative styles. Our research accords with this view: there is no sharp distinction identified between transformative and other mediation practice. What the findings do point to, however, is how these distinctions might be further investigated through the three components of practice we identify.

Secondly, the research has focussed on a particular realm of mediation: face-to-face mediation in a New Zealand context. This, as noted earlier, differentiates it from adjudicated or telephone mediation in other national jurisdictions. The research suggests, then, that face-to-face, pre-adjudicatory practice can be a highly satisfactory one for participants.

Indeed, in the New Zealand context, transformative mediation is part of an integrated philosophy of training, and is part of mediators' induction. This has the advantage of being responsive and flexible to identified needs. Training for tenancy mediators has also involved experienced trainers coming in from both Australian and American systems to host short courses. New mediators participate in an orientation program and are then often mentored by someone more experienced. The roles of the mediator as an advisory agent acting with a transformational approach are an integrated philosophy.

5. Conclusion

This paper has detailed qualitative findings that have a direct bearing on systematic practice in the field of mediation. It highlights the important role of transformative mediation and how this is achieved through a combination of three-way interactive mediator assistance, recognition and reframing, and 'trust in practice.' It is possible, too, that this may be enhanced through the face-to-face practice of New Zealand mediation. This finding needs further research in other jurisdictions to confirm this. A second question concerns possible differences in experience where there are a higher proportion of grievances advanced by tenants rather than landlords.

Nonetheless, this study indicates what some key constituents of satisfactory mediation are that inform and enhance effective systematic practice in this field.

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