
MEDIATING WITH NEURODIVERGENT PERSONS

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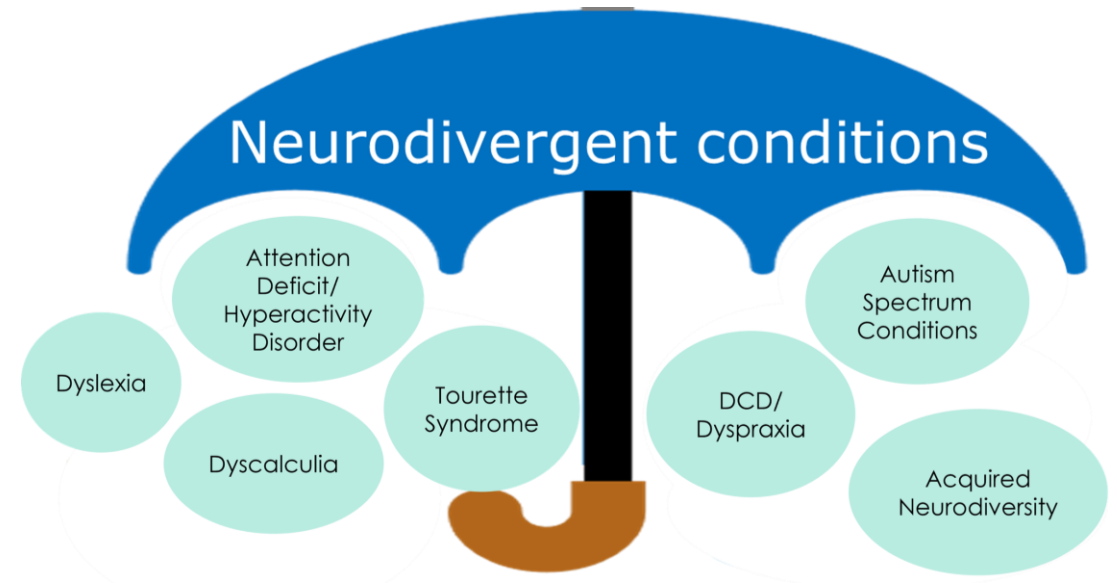
AGENDA

1. Neurodiversity – focus on Autism Spectrum Disorder
2. Practical application – mediation / neurodiversity
3. Focus on ASD – science / tips for mediation
4. Mediation process design – case study:
 - * Setting the mediation up for success
 - * Bargaining phase – tips and tools
5. Audience Q&A
6. Concluding remarks

MEDIATING AND NEURODIVERSE PARTIES

(CREATING A SAFE SPACE FOR DIALOGUE)

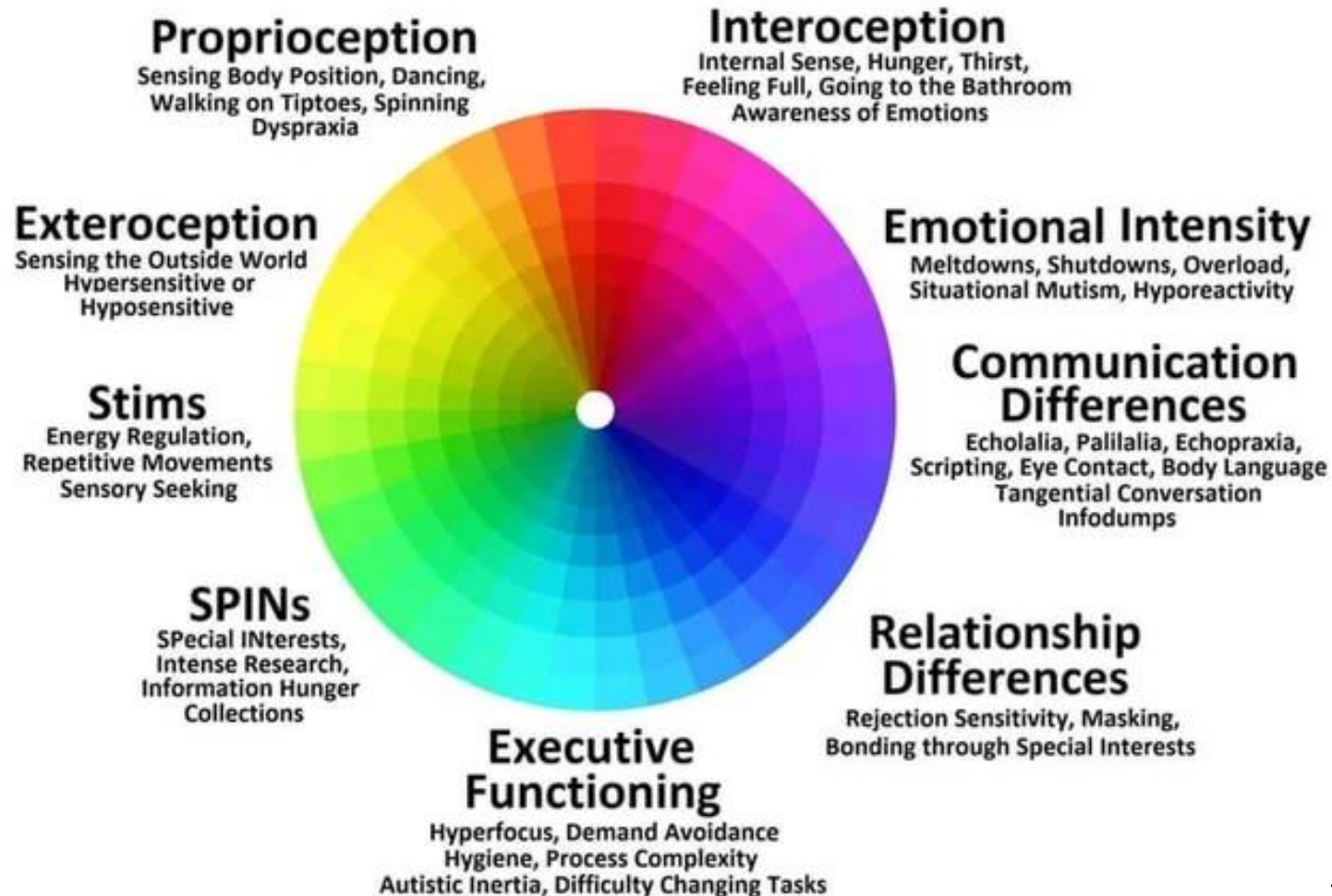
- Mediation entails working with diverse persons
- Focus on ASD (but could include other conditions, eg: high conflict personalities)
- Mediation: inclusive and available to all
- Co-mediation with psychosocial expert?



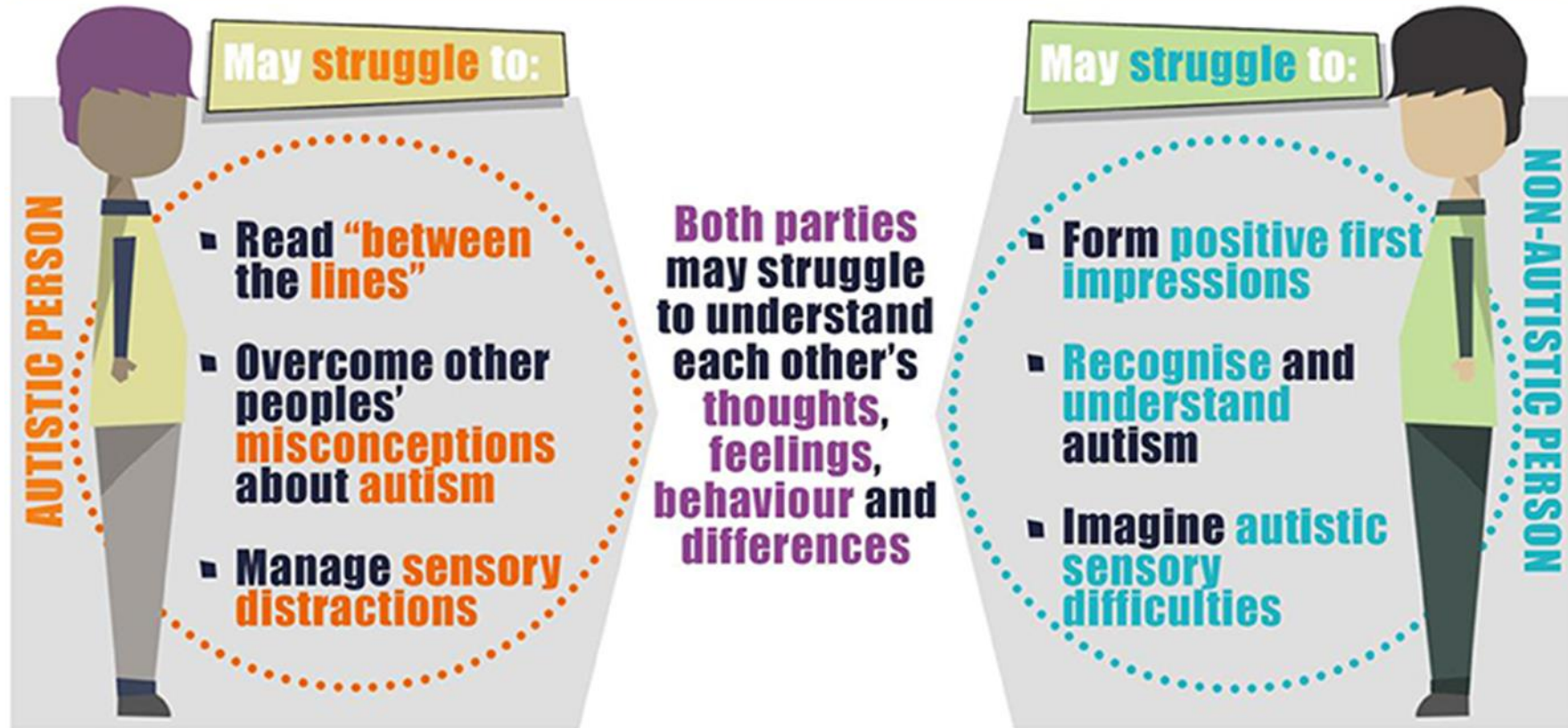
The Autism Spectrum

Child & Adolescent Psychological Evaluations, LLC

Matt Lowry, LPP



THE DOUBLE EMPATHY PROBLEM



Monotropism – D. Murry and W. Lawson



2. PRACTICAL APPLICATION - MEDIATION

- How to surface parties' needs?
- Anxiety management
- Some parties may need more time – processing documents or concepts
- Communication styles:
 - “Visual thinking” vs. “black & white thinking”
 - Come across as rude, direct?
 - Ability to see the other party's point of view?
 - Detail orientated – ability to see “bigger picture”?
 - Ability to visualize options or risks?
- Coaching a party to “influence” effectively



Jessica Park, USA artist with autism

MEDIATION PROCESS DESIGN

Anything I should know about you or your client, to help with the mediation process?

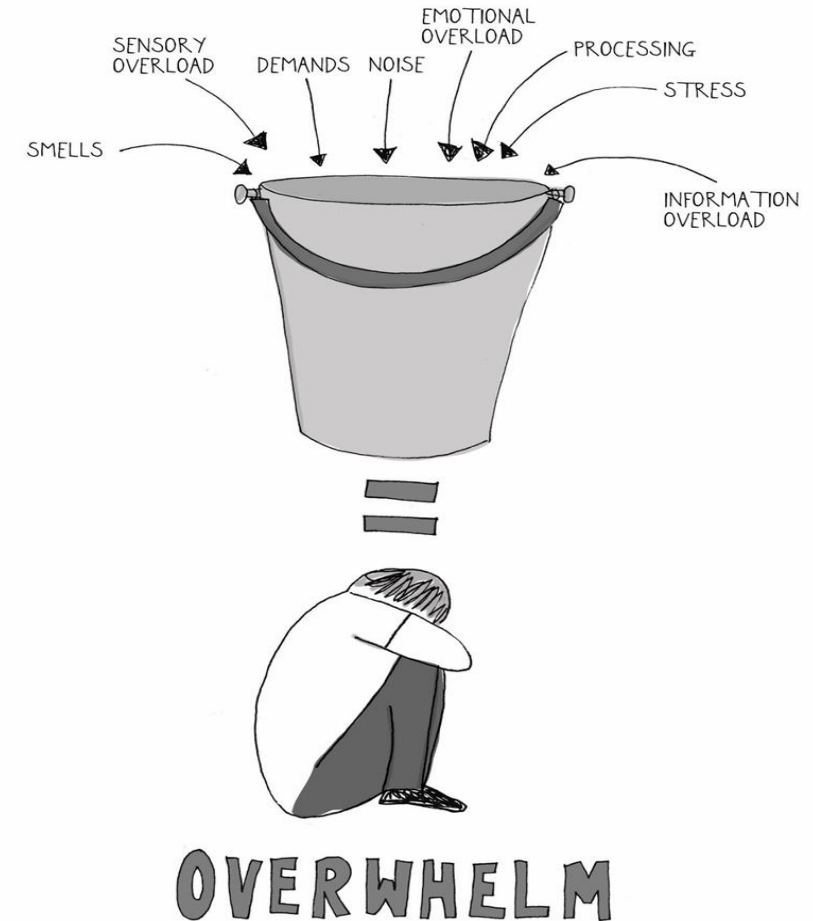
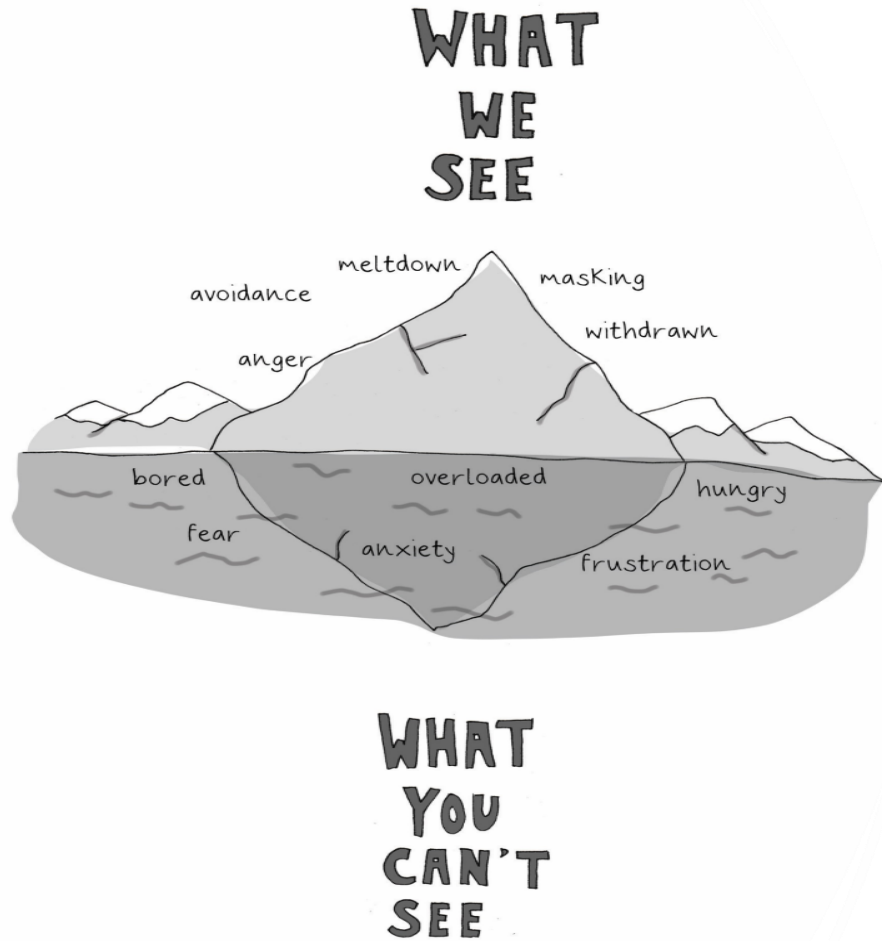
If Party volunteers information – eg client “vulnerable” or “neurodiversity issues present” then consider adjustments such as:

- Offer further preparation time with client?
- Venue and support on the day?
- “What do I have permission to share?”
- “What would help you get the most out of the mediation?”



WHAT IS THE NEED BEHIND THE BEHAVIOUR?

The Anxiety Bucket analogy



4. MEDIATION PROCESS DESIGN – CASE STUDY

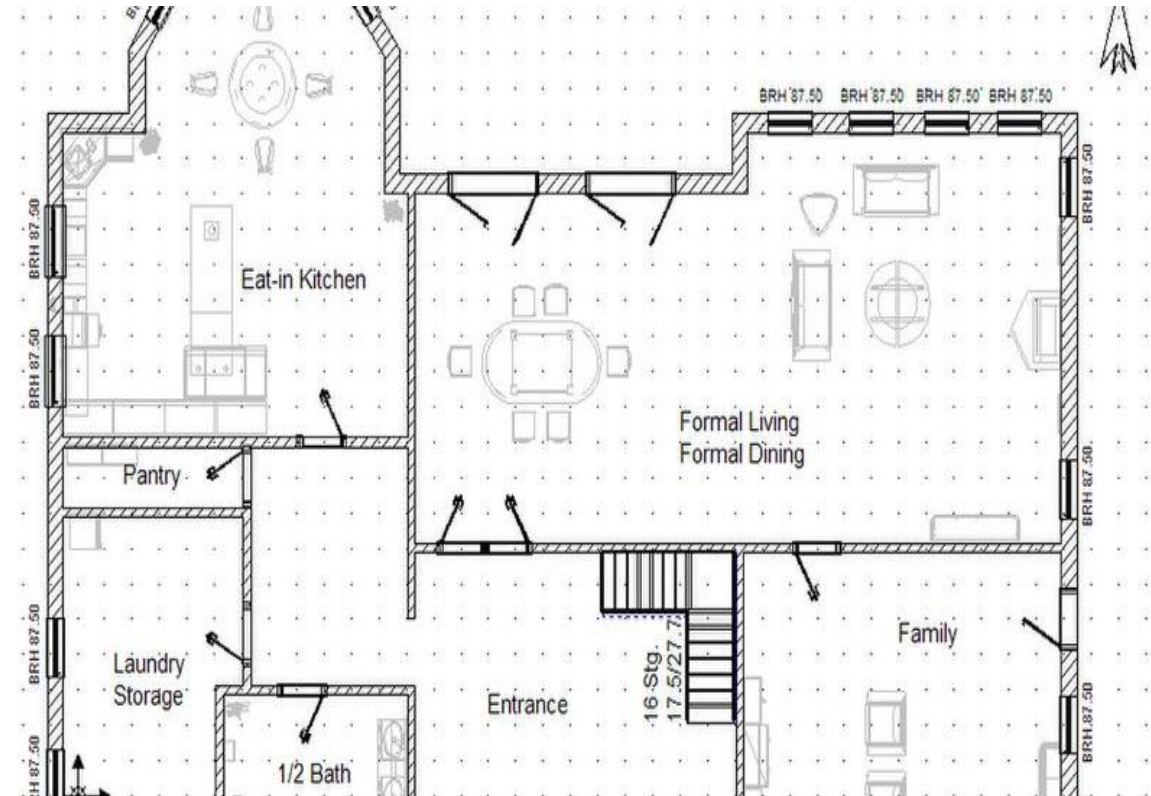
Residential construction case – damages for defects

- Identifying ASD present
- Extra time BUT management expectations
- The “36 PPT presentations” C wanted to share
- Importance of working with the legal team
- Insight from ASD therapist/ tips and tools



CASE STUDY – PREPARATION STAGE

- Pre-mediation contact with parties
- Preparing the papers – agreeing the Bundle
- Crafting the agenda, with timings
- Preparing for the joint session
- Who to join on each side?
- Ability to call for “time out”



CASE STUDY – BARGAINING STAGE

- How to elicit offers?
- Framing offers so they can be “heard”
- Managing disappointment;
- Hitting deadlock
- Moving from *positions* to *interests*
- Drafting the settlement agreement
- Ability to call for “time out”



ANY QUESTIONS ?



THANK YOU – AND FURTHER READING

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Scattered Minds – Gabor Mate

The Autistic Brain – Temple Grandin & Richard Panek

Women and Girls on the Autism Spectrum – Sarah Hendrickx

Autism for Adults – Daniel Jones

Untypical – Pete Wharmby

The (Slightly Distracted) Woman's Guide to Living with an Adult ADHD Diagnosis – Laura Kerbey – Out June 2025