

2021 Mock Mediation

Grand Final Scenario

BACKGROUND

Lindsey/Lincoln, Saul/Sally, Nic/Nicola, Sam/Samantha and Pete/Peta have been friends since primary school. They all live in the same neighbourhood and their parents are also good friends.

End of year exams were over and the students in Years 11 & 12 decided to celebrate by organising a picnic day by the river in the National Park. The group planned to enjoy the day, by playing a few games, and having a BBQ with plenty to eat and drink. Most of the people attending the picnic were 18 however; a few had only just turned 17.

Lindsey/Lincoln and Nic/Nicola discussed the idea of the picnic openly with their parents they told them that some of the students would be bringing their own alcohol and as it wasn't an official school event, students attending would have to organise their own transport to and from the area. Lindsey/Lincoln didn't like drinking so he/she offered to be the group's designated driver.

Based on the respect and trust Lindsey/Lincoln, Saul/Sally, Nic/Nicola, Sam/Samantha and Pete/Peta had developed with their parents, they had no reason for concern. They were all considered responsible individuals who could be relied on to do the right thing.

Pete/Peta, Lindsey/Lincoln, Nic/Nicola, Sam/Samantha and Saul/Sally all arrived at the picnic together in Lindsey/Lincoln's car. The day was well organised, a volleyball net had been set up, backyard cricket was in full swing and everyone was enjoying themselves.

The BBQ had been on the go since 10am and as it got closer to lunch time, the food and drink supply needed replenishing so Lindsey/Lincoln, who had not been drinking, volunteered to drive to the shops to get more supplies.

Nic/Nicola insisted on going too and invited Saul/Sally, Sam/Samantha and Pete/Peta to come along for the ride. They had all been drinking, and it was obvious to Nic/Nicola that the drive to the shops would be a good distraction. Saul/Sally, Sam/Samantha and Pete/Peta all jumped into the back seat where they continued to party while Lindsey/Lincoln was driving. The trio in the back, were singing along to the music with Nic/Nicola yelling at them (in an effort to be heard), over the music that was playing.

It was tough going for Lindsey/Lincoln who was just trying to concentrate on driving the car on a very bumpy road under repair with lots of curves and bends.

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THE INCIDENT

With all the distractions going on around her/him in the car, Lindsey/Lincoln found it hard to concentrate on driving. After repeatedly asking everyone to settle down, Lindsey/Lincoln suddenly pulled over to the side of the road, stopped the car and ordered everyone out. Lindsey/Lincoln screamed at the top of her/his voice “Get out of the car now”! They were all shocked at Lindsey/Lincoln’s action; no-one had ever seen her/him that angry before. No one except Nic/Nicola was willing to get out of the car, so they all promised to calm down and be quiet while Lindsey/Lincoln drove.

After what seemed an eternity to Lindsey/Lincoln, the group arrived at the local shops. Nic/Nicola was having a go at Sam/Samantha for being so drunk and Pete/Peta for stirring him/her up. Entering the shop, Pete/Peta and Nic/Nicola started mimicking Sam/Samantha who was a bit wobbly on their feet and still slurring their words. Sam/Samantha lost their temper at them both causing Pete/Peta and Nic/Nicola to fall backwards onto a shelving rack which broke and goods were scattered everywhere.

The shopkeeper was furious with the trio and threatened to call the Police. Lindsey/Lincoln and Nic/Nicola offered to pay for the damages, even though it wasn't their fault. Lindsey/Lincoln calmed the whole situation down by assuring the shopkeeper that the damages would be sorted out later when the trio sobered up, and that they would drive them back the next day to work something out. She/he convinced the shopkeeper that there was no need to call the police.

On the way back to the party, Sam/Samantha and Pete/Peta continued to argue in the back seat. Saul/Sally, who was sitting between them in the back seat, suddenly released their seat belt, leant over the front seat and turned the music up to drown them out. Immediately, Nic/Nicola unclipped his/her seat belt and leant over to turn the music down. Saul/Sally was leaning over the seat arguing about the music with Nic/Nicola. He/she jokingly pushed Nic/Nicola who knocked Lindsey/Lincoln’s arm causing the car to swerve. Lindsey/Lincoln then lost control of the car which was spinning around in the loose gravel before crashing into a tree.

On impact, Saul/Sally is thrown out of the front window and sustains a spinal cord injury. All the other passengers, except the driver Lindsey/Lincoln, are injured and taken to hospital.

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THE AFTERMATH

The serious nature of Saul/Sally's injuries has not only affected the lives of the young people in the car, it also affected their friendship, the friendship of their parents and the respect the group had enjoyed in the neighbourhood and at school amongst their peers.

Saul/Sally requires a lot of emotional support, however their friends are so torn apart by the accident that they can't even talk civilly to one another, let alone deal with their personal feelings of guilt and loss to give Saul/Sally and his/her parents the support they need to get through this terrible accident.

The police did not charge Lindsey/Lincoln for dangerous driving. She/he was not speeding, had not been drinking, and they considered that the condition of the road (loose gravel) would have contributed to the accident. The Police did however fine her/him because two of their passengers were not wearing seat belts. The fine was \$500.

Saul/Sally will require a lot of special care, so his/her solicitor has submitted a claim to the insurance company to cover the costs for all his/her medical care and rehabilitation. This means that the case will go to Court once Saul/Sally's injuries have been stabilised. But that may take anything up to two years and the family are now struggling financially.

The accident had a huge impact on everyone involved; Saul/Sally's future is uncertain, Lindsey/Lincoln is devastated and blames him/herself, Sam/Samantha is angry and blaming everyone, Pete/Peta refuses to accept any responsibility for his/her actions or any of the damage done to the shop, and Nic/Nicola has become very withdrawn. Their friendship is in tatters and before they can give Saul/Sally the support they need, they must resolve their differences and deal with the accident and the effect it has had on their lives.

Lindsey/Lincoln has asked them all to attend mediation so that they can all move forward and resolve everything for Saul/Sally's sake.

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Grand Final – Confidential Facts

PARTY A1: LINDSEY/LINCOLN

You are the oldest of the group and the most responsible. You pride yourself on being a safe driver.

When you offered to go and get more supplies, you didn't realise that everyone else would tag along. In fact you would have preferred they didn't, but Nic/Nicola insisted.

It was bad enough that you didn't know the road, but everyone's behaviour in the car was even scarier. You did the right thing by pulling the car over and ordering them all to get out. If you had left them there you would still have a car, \$500 in the bank and Saul/Sally wouldn't be lying in that hospital bed.

The goofing off in the shop really embarrassed you. It made you very angry and you gave your friends a blast and refused to drive them back to the party, but everyone agreed to settle down and you caved. What an idiot you feel!

What about the poor shopkeeper? While they were all in hospital you were working your butt off at the store for a week fixing the shelves and working off the debt for damaged stock. Did you get any thanks? Has any one of them offered to pay the fine? Have one of them ever asked you how you are feeling? No, they're all too busy feeling sorry for themselves.

The entire accident is a blur. You got such a shock when Saul/Sally suddenly launched themselves over the front seat and just as quickly, Nic/Nicola was involved. Before you knew it, the car was spinning out of control in the loose gravel. You will never forget the car hitting the tree, the sound of broken glass and everyone screaming and moaning. Everything happened so fast.

You called the police and ambulance on your mobile. You knew that Saul/Sally was badly hurt and you tried to calm everyone down. You looked after everyone and you feel as though no-one really cared about you.

Since the accident you have continually questioned yourself. You blame yourself for the accident and you really can't face Nic/Nicola, Sam/Samantha, and Pete/Peta. Visiting Saul/Sally and trying to help them rebuild their life is one way you are coping with what happened. Saul/Sally continually assures you that it was their fault and he/she doesn't blame you.

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The others are so busy pointing the 'blame' finger that they can't understand why they need to accept any responsibility. Saul/Sally's injuries were the worst, and he/she doesn't feel sorry for themselves or blame anyone else. They just need their friends to get their act together.

Sam/Samantha and Pete/Peta are so caught up in themselves that they can't see that being drunk and carrying on the way they did has consequences.

You doubt that they will ever understand that because you were driving the car you are not automatically at fault.

You hope that this mediation will help everyone deal with what happened so that you can all find a productive way to help Saul/Sally and their family.

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PARTY A2: NIC/NICOLA

You have just turned 18. You and Lindsey/Lincoln have known one another for 13 years. For ten of those years, you have been best friends.

You used to really love it when the five of you got together; you always had so much fun. Well, that's all changed!

On the day of the party, you wished you hadn't insisted that Lindsey/Lincoln take you all to the shops. Your friends were all intoxicated and you thought the drive to the shops would give them a chance to sober up.

Sam/Samantha and Pete/Peta had been drinking the most and they were both really drunk.

Sitting in the front with Lindsey/Lincoln on the way to the shops, you also got angry with the way the three in the back were carrying on.

You realise that you made the situation worse by trying to yell over the top of them. When Lindsey/Lincoln stopped the car and told you all to get out, you were shocked. You thought you were trying to help him/her.

The incident in the shop between you, Sam/Samantha and Pete/Peta was also very embarrassing. You were mimicking Sam/Samantha to try to make him/her realise how bad she/he looked and sounded. You did offer to come back and pay the shopkeeper for the damage. You apologised to Lindsey/Lincoln and he/she told you to get the others to calm down and that's all you tried to do.

You can't remember much about the accident, except that Sam/Samantha and Pete/Peta started arguing again and Saul/Sally was caught in the middle of all the verbals. You were knocked cold momentarily when the car hit the tree and your shoulder was dislocated.

You intended on going back to the shop with Lindsey/Lincoln to pay for the damages, but you went to hospital and by the time you were allowed to come home, Lindsey/Lincoln had taken care of everything.

The accident has left you feeling very guilty. You feel very responsible for Saul/Sally's condition. If only you hadn't kept turning the radio down then Saul/Sally would not have reacted the way they did and Lindsey/Lincoln wouldn't have lost control of the car. You feel so guilty.

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You think that Lindsey/Lincoln has suffered more than all of you. OK he/she may not have been physically hurt, but what about the emotional damage. Who squared everything off with the shopkeeper? Who paid the fine? Who looked after everyone until the ambulance arrived? Lindsey/Lincoln that's who!

Sam/Samantha and Pete/Peta are blaming Lindsey/Lincoln for their injuries. They think they may be able to sue for damages. What a joke. So Pete/Peta has a few bruises and a broken arm and Sam/Samantha's had stitches in his/her forehead. They're lucky to be walking around!

Every time you think about the accident you get angry. You feel that you will never get over this and you want Sam/Samantha and Pete/Peta to know how you feel and to take responsibility for their actions.

You haven't seen Saul/Sally since you were discharged from the hospital. You just can't handle seeing them lying in that bed knowing you were partly responsible.

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PARTY B1: SAM/SAMANTHA

You are only 17 and not old enough to drink, you are the baby of the group and the only time you have ever had a drink is a small glass of wine at home with your parents. You promised your parents you would not drink at the picnic.

You didn't realise how alcohol affects people differently. You only had two glasses of champagne and a beer. You were really affected by the alcohol. Pete/Peta and Nic/Nicola were teasing you and this made you really mad.

On the way to the shops you were all just singing along with the radio. Everything's a bit blurry. You don't know why Lindsey/Lincoln told you all to get out of the car.

You begged them not to make you get out and walk because you felt sick.

Pete/Peta and Nic/Nicola are always teasing you and by the time you got to the shops you just lost it and pushed them both causing them to fall and break the door and shelves. You didn't realise how hard you pushed them and when you saw the mess you just ran out of the shop.

You have been really worried that the shopkeeper would call your parents. If that happens you will be grounded until your 30.

On the drive home, you and Pete/Peta started sniping away at one another again. Saul/Sally told you both to be quiet, so you just yelled louder and that's when they leant over to turn the music up. What happened next is all a blur.

You saw Saul/Sally everyday when you were in hospital. You had a head injury so you had to be under observation for a couple of days. You still have stitches in your forehead which the doctors tell you will heal well.

Lindsey/Lincoln was driving the car and as far as you're concerned it's his/her fault. You are thinking about suing them especially if you are going to be left with permanent scarring.

You want to resolve all these feelings so you agree to the mediation.

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PARTY B2: PETE/PETA

You are 18 and the most outgoing member of the group. You and Nic/Nicola are always egging one another on; there is always a challenge in everything you do together.

Sam/Samantha and Nic/Nicola have been friends for a long time and this is the one thing about your friendship that really gets to you. You and Nic/Nicola really enjoy hanging out; it's uncomplicated and a lot of fun, but Sam/Samantha is just so negative and lately there is always friction between the three of you.

You are always bagging Nic/Nicola about checking with Sam/Samantha before the group does anything together. On the day of the party, you really put the pressure on Sam/Samantha to stop being a baby and have a drink.

In the car on the way to the shops you kept up the pressure which upset Sam/Samantha. Lindsey/Lincoln had already threatened to leave the three of you by the road so you eased off a bit until you got to the shop.

At the shop you and Nic/Nicola started to muck around mimicking and teasing Sam/Samantha. You were totally shocked when he/she lost it and pushed you both over into the shelves, but you didn't want anyone to know she/he caught you unaware. So you acted as though you couldn't care less about the damage to the shop, which made Sam/Samantha even madder.

On the way back to the river, you were trying to smooth things over with Sam/Samantha. Saul/Sally got sick of listening to you both argue so he/she decided to turn the music up. The next thing you knew Nic/Nicola was leaning over too, trying to turn it down.

What happened next is weird. All you remember is watching helplessly as Lindsey/Lincoln called the Police and the Ambulance. Everyone was crying and you couldn't do anything, you knew your arm was broken, but you couldn't feel anything. The ambulance took both you and Saul/Sally to hospital. You prayed all the way that they would be all right.

You have been to the hospital with the group to see Saul/Sally and they seem to be cool about the accident. You avoid seeing Saul/Sally on your own. You can't deal with their injuries and the guilt you feel.

Sam/Samantha just can't handle his/her grog and you are sorry you put the pressure on. Who could possibly know that Sam/Samantha had such a temper?



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Deep down you know that it was a string of little events that caused the accident; you have all been friends forever. Everyone needs to acknowledge their role in the accident and move on. Saul/Sally is facing a long time in rehabilitation. They are going to need their friends support to help them get better and stay positive.

