

General Description of Real Practice Systems Theory

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Real Practice Systems (RPS) theory holds that all practitioners have unique systems that grow out of their experiences and evolve over time. Their systems are based on their personal histories, values, goals, motivations, knowledge, skills, and procedures as well as the parties and the cases in their practice. They develop categories of cases, parties, and behavior patterns in their cases. They use unconscious routine procedures as well as conscious strategies to deal with recurring challenges.

Mediation of legal disputes provides a useful template for the theory because of the separate phases before, during, and after mediation sessions. Mediators and attorneys in mediation can use the RPS framework to (1) become more conscious of how they think and why they act as they do in mediation and (2) intentionally improve their techniques.

The following graphic illustrates mediation practice systems, particularly the following important stages. The blue cell highlights attorneys' actions before mediation sessions to prepare their clients. The yellow cell highlights mediators' role in coordinating preparation for mediation sessions. The green cell highlights mediators' actions during mediation sessions. The orange cell is the most important -- when parties make decisions during mediation sessions.

Mediation Practice Systems

Stages	Attorneys	Parties	Mediators
Case Evaluation and Client Counseling	Learn facts and evaluate case	Arrive stressed, worried, confused, angry, etc.	
	Advise clients about dispute resolution options	Attorney conducts "client school" to reassure, educate, coach clients etc.	
	Decide to mediate and retain mediator		
Preparation for Mediation Session	Coordinate with mediator's preparation for mediation session	Prepare for mediation session with attorney	Coordinate preparation for mediation session
Mediation Session	Represent client	Decision time	Mediate
Follow-up	Follow up if needed	???	Follow up if needed

People often focus only on mediators' actions during mediation sessions – the green cell. Of course, that's important. When parties are legally represented, attorneys' actions in case evaluation and client counseling – the blue cells – can be at least as important, but people generally do not focus as much on attorneys' potential contributions. Mediation provides an opportunity for attorneys to shift from the traditional adversarial mindset to a “quasi-mediator” approach in which attorneys use mediation techniques when appropriate in representing clients. Mediators can promote quasi-mediator behavior by careful coordination of preparation for mediation sessions, the yellow cell.

For more information about RPS theory and practice, see this [post collecting key publications about the RPS Project](#), including an annotated bibliography.