



The
Mediation
Specialists

What is Mediation?

Mediation is a process for negotiating a resolution of a dispute. It is conducted by an impartial professional known as a mediator. The mediator is a facilitator of discussions and negotiations between the parties with a view to resolving the dispute and concluding negotiations with a settlement agreement which the lawyers for the parties then record in writing.

The characteristics of mediation.

- A swift process taking little time to set up and usually only taking one day of negotiations to conduct.
- Highly effective with an eighty percent success rate.
- Even if mediation is unsuccessful, it can still be highly effective in narrowing the extent of the issues between the parties that require litigation or arbitration.
- Inexpensive in comparison to litigation.
- In some judicial systems there is an increasing expectation, or even requirement, that parties will mediate first before taking their dispute to court.
- Can take place regardless of whether litigation or arbitration has already commenced. If litigation is contemplated, mediation can be used first. If litigation or arbitration is under way mediation can still be used if parties agree subject to the Court ordering otherwise.
- Enables parties to maintain control of the outcome of a dispute and reach creative solutions bespoke to their needs without abdicating responsibility to a judge or adjudicator who will impose a solution without reference to the commercial or emotional requirements and needs of parties.
- Saves time and energy and makes commercial and emotional sense.
- Confidential; the outcome of mediation cannot be referred to in litigation without the consent of all parties.
- Requires party representatives to have requisite authority to settle.
- A flexible process that can be tailored to the parties' needs in consultation with the mediator.
- Can take place face to face or online.
- Encourages creative and constructive outcomes that suit both parties' ongoing needs which is especially important where there is a likelihood or requirement for an ongoing relationship between the parties.
- Suitable for national and international disputes, two-party and multi-party disputes.
- If parties are unable to reach a settlement through mediation, they can revert to litigation or arbitration.

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