

Not sure what  
to do next?

Not sure which way to go?



# MEDIATION – a business tool!

As with life generally, conflicts and disputes are inevitable in the business world.

Need a solution?

by Ian Williams  
(Accredited Mediator)

Mediation is a useful business tool to resolve business disputes of all types and the success rate is very high. The advantages of opting for Mediation as opposed to litigation, arbitration or adjudication are numerous.

#### 1. Saving Time & Money

Mediation dates can be arranged quickly, unlike lengthy court delays when litigation is used. The longer disputes are allowed to fester the greater the internal disruption. Mediations – and preparations – take less time than court trials, freeing up management time of company personnel and solicitors.

#### 2. Privacy

Because Mediations are confidential, parties can resolve their disputes away from the press and competitors.

#### 3. Relationships

Mediation can actually improve relationships that have gone sour. In business relationships, where a continuing relationship is either anticipated or already bought in to, then mediation assists to preserve that relationship. Win/Win solutions are the ethos of mediation and this allows the parties to continue to work together if this is what the parties want.

#### 4. No Boundaries

Mediation can look deeper at the underlying issues that caused the dispute and address the real needs of the parties or the organisation.

#### 5. Ownership of the Agreement

One or maybe even both of the parties may be disgruntled at a court's decision and all because they had no say in the outcome. The parties are more likely to adhere to an agreement negotiated between them during the mediation because they were responsible for the result.

#### 6. Flexible & Informal

Without the constrain of the formal complexities of litigation, arbitration or adjudication with mediation the parties can dictate what they want out of the mediation and can table issues important to them personally.

#### 7. Empowerment

Most business people are reluctant to leave control in the hands of others, so the mediation process assists with such concerns because it is the parties themselves determine the outcome, not a judge or arbitrator or adjudicator.

#### When can I use Mediation?

You can use mediation at any stage during a dispute. The earlier you request me to mediate the better as the parties' positions are not entrenched and costs have not yet escalated.

#### When Mediation can help:

- Professional negligence
- Insurance claims
- Contractual disagreements
- Partnerships or Director disagreements
- Management / labour workforce disputes
- Employer / employee disputes
- Contractor / Sub-Contractor disputes
- Property disputes
- Copyright and Trademark infringements
- Construction cases
- Landlord and tenant
- Discrimination / dismissal issues
- Foreign trade / export issues
- Supplier / Product Liability disputes

#### How do I start the Mediation process?

You can suggest Mediation to the party or parties that you are in conflict with. Suggest it in such a way that it is not an ultimatum as mediation is entirely voluntary. If you like, I can approach the other party or parties on your behalf to invite them to mediate with you. Once all parties have agreed to mediate, I will guide you through the remaining process right through to the mediation day. Usually, the mediation can be conducted within one day. Very infrequently or for more complex cases, the mediation may extend to 2 or 3 days but this is rare.

#### What happens if a party refuses to mediate?

The courts are increasingly expecting litigants to attempt mediation before bringing their dispute to court. If a party refuses to mediate, this could result in a cost penalty being imposed by the court against the refusing party.

#### Can you help me commence the mediation?

Of course! Telephone me on 01248 679 266. Alternatively, I'm happy to speak to your solicitor if you have one.



I can offer bilingual (English/Welsh) mediations.

Please Note: I do not undertake family dispute or marriage counselling mediations.

Ian Williams – Accredited Mediator

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