

- **January 2010**

MEDIATION

“It is madness to incur the considerable expense of litigation – in England usually disproportionate to the amount at stake – without making a determined attempt to reach an amicable settlement.”

Lord Phillips of Worth Maltravers Lord Chief Justice of England and Wales

Mediation, which aims to conclude disputes in a mutually advantageous manner, has over the last decade proved to be a hugely popular method of managing commercial disputes because of the opportunities it brings to control disputes, influence outcomes more positively and manage risk more effectively. Few businesses fail to be convinced of a process that can incur in total what a single day's representation in court would cost.

Mediation, which is confidential, can be faster, cheaper, more proactive and more controllable than legal or arbitration proceedings. Through innovative solutions, which do not necessarily involve parting with hard cash, and mediation techniques it is possible to resolve seemingly opposing commercial goals and preserve long term business relationships. Mediation is suited to resolving cross border disputes where parties find themselves subject to the law of unfamiliar jurisdictions.

If mediation does not work (and 80% do) then you can always continue with the litigation or arbitration process...

You should seek advice on the inclusion of mediation clauses when negotiating contracts and to see if a dispute or potential dispute is suitable for mediation.

A trained mediator is skilled at identifying opportunities to resolve disputes through mediation; can help you design commercially realistic and appropriate mediation strategies; prepare you for the mediation process, which has its own individual negotiating process; attend the mediation with you and ensure any agreement you enter into is legally binding and enforceable.

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