



Mediation

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FACTSHEET – Mediation

What Is Mediation and How Does It Work?

Mediation is a procedure in which the parties discuss their disputes with the assistance of a trained impartial third person(s) who assists them in reaching a settlement.

Cases suitable for mediation are disputes in commercial transactions, personal injury, construction, workers compensation, labour or community relations, divorce, domestic relations, employment or any other matters which do not involve complex procedural or evidentiary issues.

Attendance at the mediation conference is voluntary by the parties, except where governed by statute or contract clause.

The mediator is a facilitator who has no power to render a resolution to the conflict. The parties will fashion the solution as the mediator moves through the process.

Benefits of the Mediation Process

The cost of mediation is less than the average cost in time and money for the litigation of a dispute.

Mediators offer their services in the evenings, weekends and regular weekdays. There are no spectators to the mediation and whatever is said in the mediation cannot be repeated or reported by the mediator to another party.

The Settlement Agreement is the only record of the proceedings.



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The Agreement to Mediate which is signed by the parties prior to the meeting will often remind the parties of the confidentiality of the session and that the mediator is not available as a voluntary witness in any trial of the matter.

The ability to fashion user friendly resolutions to a dispute is an attractive component of mediation. The parties are empowered to solve their problem in workable terms to achieve a "win-win" solution. This often promotes healing where one party feels tremendously aggrieved or allows the parties to continue their business, employment or personal relationship. In many cases the parties strengthen their working relationship for greater workplace efficiency.

How does it work?

Present at the mediation sessions are the parties, their lawyers, if represented, the mediator and others as agreed to in advance.

A facilitative mediation will progress through several stages:

- Introduction
- Problem Determination
- Generation of Options and Alternatives
- Clarification and Agreement Writing

Penalties for failing to reach an agreement.

There are no legal penalties for failing to settle at mediation. However, where mediation is court ordered there may be penalties for failing to attend the mediation meeting and making a good faith effort to settle.