

MEDIATE IRELAND

**The Quickest & Most Cost Effective
way to Resolve Disputes!**



**Mediation Services
Information Leaflet**

**Commercial
Civil
Workplace**

The Mediation Process is

- **A totally confidential process between the parties**
- **A safe, neutral and non-threatening environment in which to discuss issues**
- **Completely impartial**
- **An organised and constructive process**
- **Non judgemental and Non adversarial (as would be typical of court proceedings)**
- **A process leading to a lasting long term agreement**
- **Agreed to and 'owned' by the parties themselves**
- **Quick, typically only lasting a day**

Any type of commercial dispute between companies, sole traders or individuals is ideal for mediation, at any stage of the dispute. Disputes can be mediated even if court proceedings have been issued.

- Issues in relation to the performance of contracts
- Disputes arising from the non payment for goods or services
- Disputes arising from the supply of Defective Goods or Services
- Building Construction Disputes
- Sub Contractor Disputes
- Banking & Financial
- Intellectual Property
- Shareholder / Partnership / Board of director Disputes
- Property & Boundary Disputes
- Family Business Disputes
- Personal Injury

This is a short list, as an example, of the many types of disputes that can be successfully mediated.

Mediation in Commercial Disputes

- **Is Quick**
- **Discrete**
- **Enables Communication**
- **Inexpensive** (when compared to litigation)
- **Safe & Confidential**
- **Can Help Maintain an ongoing commercial or employment relationship**

Mediation Works in the Construction Industry

The construction industry has embraced Mediation and has included a Mediation clause as the first option for parties in dispute resolution in its standard contracts.

A survey conducted by the Construction Industry Federation indicates that Mediation was chosen for 60% of disputes between 2001 and 2005 and of these **81% were successfully** resolved giving rise to an estimated **saving of €200m** to the industry.

Mediation Works in Employment Disputes

Where difficulties arise between workers, or with relationships between them, employers often feel that their only choice lies between disciplining one of the combatants or, removing a difficult individual. Personality clashes can be avoided or managed if an environment for resolving disputes or differences without commencing formal procedures is in place.

Mediation can fill what is currently a very expensive gap - in human, management, production and legal terms - in the present strategies and structures adopted and available. New strategies to introduce Mediation are patently beneficial from all perspectives - effective strategies not only for when issues have arisen and relationships have broken down, but also as structures and means for heading off and avoiding breakdown. Entrenchment and embitterment can be avoided by the adoption of such Mediation structures and practices.

Benefits of Mediation

Significantly Reduced Costs

Both in monetary and personal terms, mediation is inexpensive compared to proceeding to a court hearing.

Significantly Shorter Time Frame

Mediation can be scheduled within a very short timeframe: it can be soon after a dispute arises or at any time throughout an on-going dispute; and, following the pre-mediation processes and agreements, can often be concluded in a single day. This reduces the time from start of dispute to settlement significantly, allowing you to get on with the rest of your life.

Neither Adversarial nor Judgemental

Mediation is an interest-based process based on consensus and collaborative agreement. Mediation helps the parties to communicate with each other, either directly and/or through the Mediator, to explore the issues which are of real importance to them - rather than necessarily focusing on their respective 'rights'. The parties are encouraged to find ways to address their present and future needs, rather than dwelling upon who may have been right or wrong in the past. As the process of mediation is based on mutual agreement, the mediator does not impose a decision, nor make any kind of judgment - unlike court or arbitration, the mediator helps the parties to find their own, mutually acceptable, solution.

Parties Always in Control

Mediation belongs to the Parties. The parties to a dispute remain in control of the outcome and of any potential resolutions as well as having the right to end the mediation at any time should the process become stalemated.

Totally Confidential

The confidential nature of mediation allows the Parties to negotiate freely and productively without fear of publicity. All participants of a mediation are protected by a confidentiality agreement which is signed by all parties and witnesses before the mediation begins. Issues discussed between a party and the mediator will not be disclosed to the other party, except by agreement.

How do the parties work with the mediator

The normal process is for the parties, their representatives and the mediator to meet together, at scheduled sessions determined by the parties. Essentially mediation runs like a guided negotiation between the parties, with the mediator facilitating the communication. Most mediations generally run by the following five-stage format

Stage 1: Establishing the Process: The mediator and the parties agree guidelines they will follow in the mediation. This usually includes only allowing one person to speak at a time, treating all parties with respect, and confidentiality.

Stage 2: Exploring Positions and Interests: The parties usually make their initial statements regarding their disagreement and define what they hope to resolve in the mediation. This, and the steps below, can be in plenary session or to the mediator privately.

Stage 3: Developing Solutions: Each party discusses their interests and possible solutions to resolve their disagreement.

Stage 4: Finalizing A Resolution: The parties assisted by the mediator create a solution mutually agreeable to both parties.

Stage 5: The Written Agreement: Once agreed on, the agreement is formalized in a written resolution agreement.

It has been shown that Mediation will

- **Dramatically speed up the process of resolving commercial disputes**
- **Give a better and more effective outcome that makes sense to the parties themselves**
- **Ultimately reduce the cost both personal and financial of the whole process**

Mediation Services in the following areas:

- Commercial / Civil
- Property
- Building Construction
- Banking & Financial
- Personal Injury
- Workplace / Employment
- Public Bodies
- Community / Social
- Marriage Separation / Divorce
- Wills/ Succession - Family Business or Farm
- Sports Disputes

"Mediation is successful in 80% of cases, shorten disputes by years, enabling much quicker settlement of claims and allowing clients to move on, at a much cheaper cost."

To find out further information
or
Organise a Mediation

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