



## **ADR Alternative Dispute Resolution**

### **Commercial & Marine Mediation**

#### **What Is mediation**

Where two or more people or companies are unable to resolve a particular problem they invite a neutral person to help them arrive at a solution. The neutral person, or Mediator, will work with each side and help them understand better their own and the other parties position, and explore alternative solutions. By so doing the parties improve their chances of working out a solution to their mutual satisfaction

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#### **How can mediation help me ?**

A good mediator is a skilled, experienced and imaginative problem solver who will be very much involved in the process of reaching a solution

Mediation is a non-adversarial method of resolving disputes. It is appropriate in almost all commercial and boating matters which are capable of out of court settlement.

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#### **Are mediators qualified ?**

All the Mediators on The Academy of Experts Register are qualified experts in various subjects. In addition they undergo a training programme which includes both instruction in the various techniques they will need to help both sides negotiate their own agreement and an assessment in which they have to be successful before qualifying for inclusion in the Register

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#### **When should I use mediation ?**

When it appears that there is little chance of an agreed resolution and a risk that the problem may get out of hand and involve everybody concerned in a lot of time and money

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#### **Once you have picked a Mediator – what will happen next**

Each mediator will have his or her own approach but they will generally proceed as follows

- The Mediator will arrange a meeting at a mutually agreed neutral position
- When the parties are present the Mediator will explain in more detail how the Mediation will proceed.
- The Mediator will then ask each side to briefly describe the dispute as they see it. The mediator will try to identify parts which are not in disagreement and note those that are.



- After this initial discussion the Mediator will request a series of private sessions with each of the parties, moving back and forth between the parties and bringing them back together at appropriate times
  - During the final individual and joint sessions the Mediator will try to reduce the differences between the parties and will seek to obtain agreement by all parties on major and minor issues.
  - Once a solution has been reached the Mediator will request that the terms of the agreement be put in writing and signed at the meeting.
  - Most mediation sessions last between 2 – 4 hours depending on how complicated the problem is
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### **Important Information**

Mediation enjoys an in-excess of 90% plus success rate

You are directly involved in negotiating your own agreement

No settlement can be imposed upon you (as happens in litigation or arbitration)

Parties to mediation are not required to reach any agreement if they choose not to. However, once the mediation has concluded and an agreement reached, the agreement becomes binding on the parties and is enforceable in law.

The proceedings are conducted in private and in strictest confidence, and you are in control of your own position.

The Mediator may be able to explore alternative solutions that may not have been considered by the parties or are not possible or available through the courts.

The cost of the Mediator is normally shared equally between the parties. Apart from the Mediator's charges and the parties giving their own time there should be little additional cost unless the parties want to bring with them specialist advisers

If the Mediation is unsuccessful you have neither prejudiced or sacrificed any legal rights nor delayed significantly any ultimate settlement by the legal process

Anything that is discussed during mediation is 'without prejudice' and cannot be used in any future court proceedings that may occur

Courts may impose cost penalties if the parties cannot demonstrate that they have seriously considered mediation

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## Venue - Do you have to provide rooms

No, not necessarily

Either you, or the other party, may provide the necessary rooms if you both agree. Otherwise The Academy of Experts at 3 Grey's Inn Square, London has neutral facilities for the meetings, which when instructed we can arrange for you.

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For further information telephone

European Marine Services Ltd      01603 50 80 31

### Useful Contacts:

The Academy of Experts      Tel: 020 74 30 03 33

The Academy of Experts      [www.academy-experts.org](http://www.academy-experts.org)

National Mediation Helpline      Tel: 0845 60 30 809