

How Long does Mediation Take?

It depends. Some Mediations can last a few hours, others a whole day. Alternatively, progress can be made through a number of sessions.

Much depends upon the subject matter of the dispute and the number of parties involved.

Mediation -v- Litigation - what is the difference?

In traditional litigation a judge or arbitrator hears evidence and then makes a decision which is binding on the parties. At best, only one party will be satisfied with this judgment and very often neither will like the outcome. In Mediation, the Mediator does not act as a judge or advisor, but as a neutral facilitator to manage the mediation process and bring about a settlement which the disputing parties can agree upon.

The other substantial differences between Mediation and litigation are those of time and cost. Litigation is infamously lengthy and costly. Few people who use it feel it is a satisfactory way of resolving many disputes and it is often actively disliked. Mediation on the other hand can be set up and concluded quickly and most users of Mediation feel that it provides very good value for money, particularly those who have previously been through litigation.

Mediation is, by its nature, not confrontational and therefore much less stressful than litigation or even negotiation.

"Start looking forward to a more peaceful tomorrow today"

Litigation is a high risk gamble and the risks and burden of costs today are so substantial that for any well-advised person, litigation must be the course of last resort if any reasonable alternative is available.

The alternative of choice today is Mediation. The law increasingly recognises the value and importance of mediation as a social necessity...

Give Mediation a Chance. Give it a Chance at the Earliest Opportunity ...

Justice Lightman



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Litigation is a high risk gamble...



Mediation

A better alternative

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Mediate...

don't

litigate

What is Mediation....?

Mediation is a non-adversarial, voluntary and confidential process for resolving disputes in which an unbiased third party (the Mediator) assists those involved in the dispute to find a mutually acceptable resolution without the need of going to Court.

Quite simply, Mediation is a process of finding a solution which enables the parties to move on.

"Mediation can be used in a wide range of disputes and in many cases, produces an outcome which would not have been possible through the strict application of the Law." Lord Justice Woolf



What are the Advantages of Mediation?

- **Cost effective** – Can cost significantly less than litigation;
- **Non-confrontational atmosphere** – Avoids the Court, which can be intimidating;
- **More Control** – The disputing parties ultimately decide how a case may be settled. It is always within their control;

- **Confidential** – Mediation is entirely confidential, unlike Court Proceedings which have the potential to attract publicity. Privacy from the media, competitors and others is assured;
- **Easy and quick to arrange** – Can be arranged promptly and often at short notice. Mediation is much quicker than litigation;
- **More focus on feelings and fairness** – Courts tend to concentrate on legal rights, wrongs and duties, whereas Mediation acknowledges feelings and the parties' needs;
- **Encourages future co-operation between parties** – Mediation improves communications, can bring about consensus and can restore/help re-build relations;
- **Win/Win Situation** – There are no losers because the solution is mutually agreed.

What kind of disputes or disagreements can be referred to mediation?

The answer is almost anything. Dispute Mediation Services undertakes work in the following disciplines:-

- Fiduciary and Inheritance;
- Matrimonial/Family matters;
- Civil and Commercial disputes;
- Employer/Employee (in the workplace);
- Construction.

You can consider using mediation at any stage, even before entering the litigation process

"The Best Time to Mediate is Before the Litigation Begins"

Will Mediation Work?

Research suggests that 80% of commercial disputes that are referred to mediation reach agreement.

In our view, there is no such thing as an unsuccessful mediation. Even in those cases that do not reach agreement on the day, issues are narrowed and agreement can often be reached within a short time thereafter. The opportunity of the parties hearing each other and acknowledging feelings can often prompt an amicable settlement.

It has been said that Mediation leads to a sudden outbreak of commonsense because the aim of mediation is to solve problems, **not** to find fault.

"In so many cases, the best time to mediate is before the litigation begins. It is not a sign of weakness to suggest it. It is the hallmark of commonsense. Mediation is a perfectly proper adjunct to litigation. The skills are now well developed. The results are astonishingly good. Try it more often." Lord Justice Ward

What is the role of the Mediator?

To give the parties hope!

The Mediator will encourage the parties to look forward not backwards.

The Mediator will carry out "reality tests" to enable the parties to independently assess their positions.

The role of the Mediator is to assist the parties to reach a solution, not to impose one.

Skilled mediators are now able to achieve results satisfactory to both parties in many cases which are quite beyond the powers of Lawyers and Courts.