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The benefits of Mediation

Mediation is a management tool adapted to business needs.

The following demonstrates this synergy and shows ten reasons for using mediation.

In the news

Economy: Mediation saves time and promotes rational dispute management, as it enables differences to be settled in an average of 3-6 months. Mediation also directly enhances your company image by reducing the risk of making dispute provision in your annual accounts.

Neutrality: The mediator remains neutral throughout the mediation process: there is no advantage in the solution chosen by the parties being weighted one way or the other. Neutrality enhances the relationship of trust enabling the parties to negotiate a settlement that they consider fair.

Treatment: Mediation involves direct in-depth, appropriate and detailed consideration of the case by those concerned. Courts - whose purpose is to rule on the dispute in law based on submissions by lawyers - are not involved. During the mediation process, the parties may express themselves freely, describe the consequences of the dispute and the resulting problems. They themselves manage the case and reach a solution they consider appropriate, with the help of their lawyers who transfer any agreement reached to the relevant documents.

Relationships: Mediation provides a means of maintaining a business relationship adapted to circumstances. Companies can only benefit from maintaining profitable

business relationships in the current economic climate. Parties who tear themselves apart during litigation rarely make up afterwards, but a good business relationship frequently survives mediation.

Development: Mediation is a tool imposed by European Directive 2008/52/EC and recognized by parliament, courts and lawyers. This development runs in tandem with changing mentality. The 21st-century business identifies potential or embedded conflicts and seeks to resolve them internally rather than systematically outsourcing their resolution. Mediation is not just "alternative" dispute resolution but a logical stage in handling business conflict, enhancing management teams and those involved in dispute resolution.

Pragmatism and confidentiality: Mediation gives parties the tools to negotiate pragmatically in complete confidentiality and enables them to dissect the conflict and agree a "tailor-made" solution. The practical lessons derived from the experience enable companies to adapt their management methods to avoid similar conflicts, set new guidelines, improve competitiveness, bolster their image with economic players and give themselves a durable competitive edge.

Rhythm: The mediation process follows an optimum schedule: the mediator sets meetings on mutually-

convenient dates. The mediator-controlled meetings last as long as the situation requires and develop their own tempo. Meetings are not held for the sake of appearances – the discussions are intense, blunt and often heated. Mediation fulfills the reactive requirements of the company environment and its economic functioning. It enables a much faster resolution than litigation.

Independence and impartiality: The mediator is independent: there is no conflict of interest with either party, neither of whom he knows either privately or professionally. If there is any conflict, the mediator would have to disclose it beforehand and only mediate with both parties' agreement. The mediator remains impartial throughout the process and takes neither party's side.

Eye-openers: Mediation can lead to unexpected revelations and solutions. Some examples: "Any talks seemed impossible"; "We've been at odds for ten years"; "We thought we'd tried everything".

Effectiveness: Mediation has proved durably effective: the parties are ready voluntarily to carry through the solution they themselves have negotiated and agreed. The difficulties engendered by applying court-ordered solutions are thereby avoided.