Commercial Mediation

The courts expect the parties to try to resolve disputes between themselves and consider that the court should be used as a last resort.

The court rules impose Pre-Action Protocols and guidance on what steps the parties to a dispute should take before issuing a claim at court. The hope is that by following the steps, the parties will reach a settlement or at least narrow the issues.

The courts also encourage parties to engage in attempts to settle disputes whether by meeting face to face, making offers or engaging in alternative dispute resolution (ADR)

One of the main methods of ADR is mediation.

Mediation usually takes course over the space of a day at a neutral venue. During the day, the mediator will see if he can help broker a deal or narrow the issues. The vast majority of cases settle at mediation or shortly thereafter, therefore avoiding the need to go to trial and saving time and cost.

The mediator does not offer guidance or decide who is right or wrong. He is simply there to help the parties reach a deal and should be very skilled in negotiation.

The courts cannot force the parties to mediate. However, a refusal to mediate when offered by the other side carries significant costs risks. The court has the power to disallow costs or order the party who refused, to pay costs if it considers the refusal was unreasonable. Generally, a party who receives an offer to mediate should accept.

In short, mediation is a very common and effective method of resolving disputes and there are significant risks if an offer to mediate is refused common and method forming of disputes.

Litigation Services

- Contractual disputes (inc sales of goods and services)
- Director, shareholder and partnership disputes
- Professional negligence
- Probate, will and inheritance disputes
- Commercial property disputes
- Residential property disputes
- Building & construction disputes
- Intellectual property disputes
- Contested insolvency
- Debt recovery
- Commercial mediation

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