

What is Mediation?

Mediation is a **voluntary** and **confidential** way to resolve disputes. It can be quicker, cheaper and less stressful than going to court. It can remove the uncertainty of a trial and the parties can get outcomes that a judge is unable to award.

As the **Mediator** I help the disputing parties communicate and negotiate with each other to find and agree on a solution they can all accept. I do not make decisions or impose solutions but instead assist the parties generate their own mutually acceptable agreement. At a mediation you remain in control of the outcome.

My approach to mediation is to promote dialogue, understanding and collaboration. This is a difficult process because relations between the parties are often very poor. However, time and again the mediation process has helped parties clarify the issues, improve communication and empowered them to find their solution.

My mediations usually follow this process:

Initial Private Meetings

Once you have agreed to appoint me I will have at least one private meeting with you (and your lawyers if you are represented) to understand what is important to you and how you would like the dispute to be resolved. I will have a similar private meeting with the other side. These discussions are confidential and I do not pass anything on to the other side without permission.

These meetings take place online in advance of the mediation day. The parties' lawyers usually send me some of the important documents about the case for me to read in advance.

The Mediation Day

Mediations can take place online or in person - the parties decide. On the day I start with private meetings with each side exploring options and learning more about what is important to them.

There may be a time in the mediation when I ask the lawyers to meet together with me in my private room to discuss technical legal issues or just to explore different approaches if progress is not been made.

I may invite you to meet with the other side at some point during the mediation. This is entirely optional and will only happen **if both sides agree**. It can often be a helpful part of the process and if I suggest it I will explain my reasons for doing so.

Offers

People come to mediation because they want to end their dispute, This means that at some point someone will have to make an offer. There are usually many offers exchanged before



we reach a solution that both sides accept. I help parties consider how to make offers that will get them towards their goal and generate ideas when the negotiations appear to be stalling.

Binding Agreement

Most of my mediations end with the parties agreeing a resolution.

The terms are written up (usually by your lawyers) and signed in a binding agreement which signals the end of your dispute.

One of the benefits of mediation is the total flexibility of the parties to agree to any terms of settlement enabling them to create solutions which could never be achieved in court

For more information contact me:

Phil Hesketh

www.HeskethMediation.com

phil@heskethmediation.com

07595 365578