

Business Mediation



“Mediation brings the parties together and allows them to air their grievances in a constructive environment as opposed to the adversarial format taken by the legal system.”



What is business mediation?

Business mediation is about resolving disputes between:

- Directors
- Shareholders
- Partners
- Customers
- Suppliers
- Employees
- Professional advisers

It brings the parties together and allows them to air their grievances in a constructive environment as opposed to the adversarial format taken by the legal system.

It is not about winning - it is about reaching mutually beneficial agreement, usually with a degree of compromise on each side.

In short, the objective of mediation is to end the dispute.

Resorting to the law should be a last resort. Business mediation works in over 80% of cases, saving time, legal fees, aggravation and avoids the inevitable negative publicity that accompanies a falling out.

Best of all it is **fast and risk-free!**

How does mediation differ from arbitration or court?

An arbitrator will listen to the case and render a legally binding decision as a court of law would do. You have no control over the outcome but in mediation once agreement is reached it is not binding until the settlement document is signed. Therefore if you are unhappy with the process or the deal on the table you are free to leave at any point. In short, the difference with mediation is that **you remain in control so it is risk-free.**



“Joint sessions in mediation provide a unique opportunity for parties to open up and be candid in a full and frank exchange, delivering their message to everyone in the room.”

How does mediation work in practice?

The starting point is that both parties have the same objective in mind – to end the dispute and move on, so the earlier mediators are involved the better, as the longer disputes fester the less the chance of resolution.

Advance preparation will have taken place and the mediator will have been briefed by the parties as to their stance on the dispute but will at all times remain neutral without taking sides nor showing favouritism.

Sitting together allows the parties to demonstrate willingness to compromise and even to show some empathy for the opposing party and their view of the situation.

Joint sessions in mediation provide a unique opportunity for parties to open up and be candid in a full and frank exchange, delivering their message to everyone in the room, including professional advisers who may have been invited to attend.

There will also be private sessions allowing the mediator to hear what each party has to say following a joint session and to let the parties evaluate offers and suggest counter-offers. The mediator will not suggest the solution or your response to an offer but will allow you to explore appropriate options for responding.

How long does mediation take?

A mediation itself typically lasts a day, with tactical use of the time constraint to bring about a resolution. Some mediations last half a day or can take as little as an hour on the telephone. It depends on what is at stake and whether there is an emotional element to the grievances.

The preparation and logistical arrangements usually require a few days advance planning so all in all you can expect a minimum of a week from initial contact to final resolution.



“Our mediators have both business and professional backgrounds and are particularly experienced in commercial realities in addition to director and shareholder disputes.”

What does it cost?

Fees can range from a few hundred pounds to a couple of thousand depending on the complexity and the logistics, such as travel and hire of a suitable venue. Each case is typically estimated on its own merits as well as the quantum of the argument.

You can almost certainly be guaranteed that it will be a fraction of the cost of using lawyers and the prospect of having to go court.

Business mediation is an extremely cost of effective way of resolving disputes by applying a commercial view to the situation. Apart from the direct costs there are also significant indirect costs to a business of taking the legal route, which increase the longer the dispute drags on.

Does the mediator require specialist knowledge of a business sector?

Not necessarily, as the mediator is not a judge but a facilitator of agreement. There are clear advantages where the mediator has a business or professional background as it allows him or her to grasp the nature of the dispute better and more quickly. The right experience also assists in helping the parties understand whether their demands or solutions are practical.

At Maximiti our mediators have both business and professional backgrounds and are particularly experienced in commercial realities in addition to director and shareholder disputes.

Mediators



Norman Younger

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Founder and director



Rafael Katz

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Lead mediator



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