



BL Resolve spanning the divide

mediation in England for international business

Blake Laphorn Reolve can offer international businesses access to mediators skilled in resolving all types and sizes of dispute, as well as training in the mediation process.

Traditional processes of sorting out disputes have not always proved appropriate or fast enough to meet clients' needs. New dispute resolution processes have therefore evolved which businesses and private individuals are using more and more when things go wrong. In particular, mediation has grown significantly in popularity and for many it is now the preferred method of sorting out issues, leaving court proceedings and arbitration as alternatives of last resort.

Mediation allows you to remain in control of the process. It is also quicker and less expensive than litigation or arbitration. You can choose who is appointed as mediator and when and where the mediation is to take place. You can also choose how long the mediation is to take and, most importantly, if you don't like the proposed result then you can walk away with the ability to take the case to court unimpaired.

The mediator has no power to impose a solution on the parties. In this respect a mediator differs from an arbitrator or a judge. The mediator's role is to assist the parties in seeking to resolve their dispute. An experienced mediator will help each side to move away from positions that may have been adopted previously in order to enable them to explore the real issues at the heart of the dispute and help them construct an acceptable solution to the problem. The informal nature of mediation allows the broader context within which disputes have arisen to be considered and for solutions to be agreed that may go far beyond what any court or arbitrator would be able to order or even consider.

Preparation and documentation required for a mediation is much less than either litigation or arbitration, therefore costs of a mediation tend to be a great deal less than dealing with the case by other methods.

Our team of mediators can offer international businesses with a dispute in England or Wales wide ranging experience. Our mediators are also practising lawyers at Blake Laphorn, a top 100 law firm with a strong International and Insurance practice. We also offer training in mediation all over the world.

BL Resolve itself is recognised by the Civil Mediation Council and provides mediators, via the National Mediation Helpline, to users on a national basis.

The cost of our mediation services varies depending upon the amount involved, the complexity of the dispute, the number of parties and the seniority of the mediator required. Please contact us using the details overleaf for a quote. We are always willing to provide a fixed price quote for a mediation.

For more details, see our website at:

www.blaw.co.uk/blresolve

the natural choice in law

 Blake
Laphorn

mediation services

If there is a dispute, it can be mediated. Below are two case studies of how mediation can work for you:

a construction dispute

A newly refurbished building suffered from defective air conditioning. The units had been supplied from abroad and then fitted by specialist sub-contractors. They had been specified by specialist consultants.

Everyone was blaming everyone else. The fitters said that it was the fault of the machines and/or the specification but in any event they had fitted the machines properly. The consultants said that they had not been fitted properly or that the machines were faulty. The suppliers said that the machines were fine. They were what had been ordered and it was not for them to say if they would do the job properly.

The owner had lost patience. He had spent several hundred thousand pounds replacing the machines and wanted compensation. Everyone else said that he had spent too much on the replacement machines.

All parties came to the mediation. It was clear that if the claim went to trial, the total costs would be over £1 million, much more than the owner's claim but the owner was adamant that he would take everyone else to trial if a settlement could not be reached. As a result of the mediation each of the potential defendants agreed an amount that they would pay to settle the dispute without any acceptance of liability by any of them. The total agreed by the defendants was itself accepted by the owner in full settlement of its claim.

professional negligence dispute

A young couple engaged an architect to provide the conversion of an old existing building in the country into their dream home. They did not have a lot of money but the building was in due course completed.

After they moved in water began to appear in the main family room. It became unusable. The cause of the water penetration was unclear. It might have been there before, it could have been poor design or poor construction. The builder was no longer around. The couple sued the architect who in turn denied that he was liable.

At the mediation the expert for the architects insurers, instead of focusing on the question of liability, focused on how much it would cost to actually remedy the problem. Although the final sum agreed was less than what the owners wanted, it was sufficient to sort out the water penetration and make the building habitable. From the couple's point of view, it avoided the cost, stress and uncertainty of a trial and similarly from the insurer's point of view, it achieved finality in a dispute which, had the architect lost, could have resulted in an award of damages considerably higher than the amount needed to sort out the problem.

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