



## Mediation Factsheet for Business

### What is mediation?

Mediation is a flexible settlement technique, conducted privately and confidentially, in which a mediator acts as a neutral facilitator to help the parties try to arrive at a negotiated settlement of their dispute

### Why is Mediation Good for Business?

- It helps preserve business relations
- It encourages open dialogue
- It is time and cost effective

### What types of disputes can be mediated?

Provided both parties are willing to mediate, all kinds of business disputes can be resolved through mediation, including for example:

- Boardroom disputes
- Contractual disputes
- Debt resolution
- Defamation
- Negligence
- Partnership Disputes
- Shareholder Disputes



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## Why use a mediation clause?

A business contract, lease or other written contract may contain a mediation clause. By using such a clause, the parties to the contract agree to mediate any future disputes.

Parties wishing to insert a mediation clause into their contracts should consider choosing a clause which covers different situations and needs. Parties are free to adapt the chosen clause to their particular circumstances. For instance, they may wish to specify the use of a settlement procedure other than mediation. Further, you may wish to stipulate the language and place of any mediation and/or arbitration proceedings.

As an example, our partners in the International Chamber of Commerce have made a range of sample clauses freely available on their website for companies to use as part of their contracts. These sample clauses are available [here](#).

At all times, care must be taken to avoid any risk of ambiguity in the drafting of the clause. Unclear wording causes uncertainty and delay and can hinder or even compromise the dispute resolution process.

*Companies should always consult their solicitor or legal advisor before making any changes to their contracts.*

## What to do if you have a dispute?

Chambers Ireland recently launched a [Business and Commercial Mediation](#) initiative on a pilot basis for businesses who want to resolve their disputes using mediation. The pilot was developed by a cross section of bodies (Chambers Ireland, the Chartered Institute of Arbitrators, the Law Society, the Bar Council of Ireland and the Mediator's Institute of Ireland) with the objective of promoting awareness of mediation as a cost and resource



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efficient way for businesses to resolve commercial disputes. The Scheme is also supported by the Courts Service of Ireland.

If you are interested in learning more about the Scheme or in having a dispute referred, please contact [mediation@chambers.ie](mailto:mediation@chambers.ie)

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