

# Business and Commercial Mediation Scheme



The Business and Commercial Mediation Scheme 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) on a pilot basis with the objective of promoting the use of mediation as a cost and resource efficient way for businesses to resolve commercial disputes. The scheme is also supported by the Courts Service of Ireland.



**CHAMBERS  
IRELAND**  
IN BUSINESS FOR BUSINESS

The Mediators'  
Institute of Ireland



Chartered  
Institute of  
Arbitrators

**CIArb**

# Business and Commercial Mediation Scheme

## 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.

In mediation, the parties remain in control of the outcome by negotiating a contractually binding agreement based on their business interests. Both parties have control over the decision to settle the dispute and the terms of any settlement agreement.

## Why is Mediation Good for Business?

### Preserving Business Relationships

Going to court can often be a polarizing experience, whereas the goal of mediation is to resolve disputes and to preserve relationships. Whether your dispute is with a valuable client or an important supplier, mediation focuses on resolving the matter in a way that keeps business relationships intact. Mediators help shape the discussion to promote common goals, and generate creative ideas to resolve the dispute.

When not confined to the parameters of a potential judgment from the court, parties are free to come up with their own solutions.

### Encouraging Open Dialogue

Mediation also encourages the open flow of information in a way litigation cannot. The goal is resolution, rather than winning in court. Dialogue is important if parties are to fully understand each other – and once parties have had a chance to fully discuss issues, resolution becomes a real possibility. Even if the mediation doesn't fully resolve the dispute, parties often gain clarity, improved communication or even partial solutions. Should litigation be pursued in the future, it can be better streamlined.

### Time and Cost Effective

Perhaps most significant for small businesses' bottom lines – mediation is timely, efficient, and a fraction of the cost of going to court, which means less disruption to your day-to-day business operations.

### What kinds of cases are suitable for Mediation?

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

## How the Scheme works

### Who's involved?

- The Scheme will be overseen by a Steering Committee, with a membership of Chambers Ireland, Chartered Institute of Arbitrators (CI Arb), Mediator's Institute of Ireland (MII), the Law Society, the Bar Council, and the Courts Service.

### What is involved?

- Should you be interested in having your dispute referred to the Business and Commercial Mediation Scheme, the first step is to contact Chambers Ireland for more information on how the mediation process works and what information you will need to supply.
- Should you wish to go to mediation, your case will be referred to the Review Panel
- The Review Panel will comprise of representatives of MII, CI Arb, the Bar Council and the Law Society, who then will examine all potential cases that are submitted

- The Review Panel will then decide whether the case is suitable for mediation, and if so, who is best placed to mediate the case. This will happen within no more than 5 working days of the case being referred
- The case will then be referred to a suitable mediator.

### Cost

- The designated mediator will arrange for an initial consultation with the disputing parties to be held, free of charge.
- At the end of this consultation, the mediator will estimate the likely fee and provide this to the participants. Parties can then decide if they would like to continue with the mediation process.
- At the end of the mediation, the disputing parties will be required to fill out a brief anonymous evaluation form on their experiences of the pilot mediation scheme.



### **How to apply?**

If you are interested in having a dispute referred to mediation, please contact Chambers Ireland at [mediation@chambers.ie](mailto:mediation@chambers.ie).

### **Contact**

Email: [mediation@chambers.ie](mailto:mediation@chambers.ie)  
Phone Number: (01) 400 4331  
[www.chambers.ie/services/mediation-pilot-scheme.html](http://www.chambers.ie/services/mediation-pilot-scheme.html)

## More Information on ADR and Mediation

For more information on mediation and alternate dispute resolution, please see the following websites

The Bar Council of Ireland  
[www.lawlibrary.ie](http://www.lawlibrary.ie)

Chambers Ireland  
[www.chambers.ie](http://www.chambers.ie)

Chartered Institute of Arbitrators  
[www.arbitration.ie](http://www.arbitration.ie)

Law Society  
[www.lawsociety.ie](http://www.lawsociety.ie)

The Mediators Institute of Ireland  
[www.themii.ie](http://www.themii.ie)

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