



More Reflections on Mediation

Mediation has developed its own rhythm now and the frequency of **repeat users** means that the nature of our work is often different from those pioneering days of the early years of the decade. It is easier to get down to the nub of the issues and **parties and advisers** tend to come well prepared and able to engage in well structured and effective negotiations.

Most mediations are completed within one day with only a few enduring into the late evening. For those for whom mediation is an innovation and who need to know more before committing, our **without commitment** initial discussions continue to provide confidence and information.

While the **recession** inevitably brings with it a slow down of commercial activity, we have seen a number of significant **construction-related** disputes come to mediation in 2009 and also those with **banking or financial services** components. Cases of alleged professional negligence and otherwise arising out of **professional services** remain prominent, while difficulties in the workplace have led to an increase in structured **multi-layered employment** mediation. Disappointment over earn out provisions in **company acquisitions** can lead to complex and uncertain disputes which have been ideal for mediation.

We expect **2010** to see mediation in a greater number of corporate and professional disputes as clients, insurers, contractors and others look for **cost effective and quick solutions**. And we believe that more and more organisations will deploy mediation as they seek to **preserve relationships and manage the downside risks** of prolonged antagonism at work.

Mediation, in line with current thinking generally, is really about finding sustainable ways to address difficult issues, including those disputes which end up in a court. Resources are limited and have to be used to best effect. Core sees its role as being to help businesses, individuals, organisations, advisers and clients to make best use of limited time, money and people resources and to manage risk – whether to reputation, future business, morale, profitability, market position or a specific project or practice.