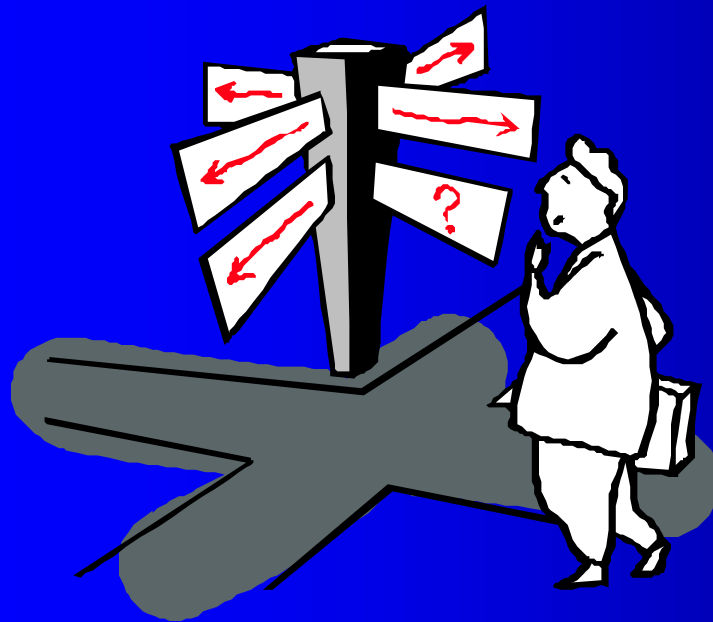


Mediation



A viable Option

What is mediation

- A fashionable notion
- A difficult notion to define

But do definitions matter?

The mediator

A mediator is not:

- A judge
- An arbitrator
- An expert
- An adviser

The mediator's role: He is a “facilitator”

A confidential,
Neutral, Independent
And pro-active

Way to listen to the parties
Who are willing to mediate

Mediation can be:

Non-judicial

- It can be provided by the contract: if so, it bounds the parties,
- It can also be decided when the dispute arises.

Judicial (in France)

- A recent legislation includes Mediation in several fields.
- It is more and more used by the courts.

Preparing Mediation

- Selecting the mediator (s): the mediator should be trained to mediate and bound by ethical rules
- Parties, and their counsels, briefly present their position to the mediator
- A time limit with a free organisation

Why mediate?

- To maintain commercial relationship
- To gain time and costs
- To keep control on the final decision
- To keep a creative and free solution to oneself

If the parties reach an agreement

- A settlement will be drafted by the parties (not by the mediator)
- Courts may validate the agreement to make it enforceable



To conclude



**Mediation
is a useful
decision making
process**