
FREQUENTLY ASKED QUESTIONS

What is mediation?

Mediation is a process by which a neutral third party (the mediator) assists the parties to come to an agreement settling their dispute on terms which each finds acceptable.

A mediation is not a trial or an arbitration, and the mediator is not there to give a judgment or make an award. He/she is not there to decide disputes of fact or law. He/she is there to assist the parties to negotiate a mutually acceptable compromise of their dispute.

How does the mediation process work?

There is no formal process, but a typical mediation will take the following course.

- Having selected the mediator, the parties will sign the **mediation agreement**, which sets out the rules under which the mediation will be conducted, and by which all parties agree to be bound.
- Prior to the mediation, the parties will have supplied the mediator with the essential documents in the case, a statement of their case for the purposes of the mediation, and a costs schedule.
- At the mediation venue, the parties will be allocated their own private room, where they will spend most of their time during the mediation process.
- The mediator will meet each party in their private for a private confidential sessions with the mediator. This means that the mediator is not at liberty to disclose to the other parties anything he or she is told in confidence by a party in private session, unless permitted to do so.
- At that private meeting, the mediator will explain the mediation process, including the guiding principles that the mediation is held on a "without prejudice" basis, and is confidential. This means that what takes place at the mediation may not be disclosed to third parties or to a trial judge if the mediation is unsuccessful. The mediator will also explain that joint sessions between the parties only take place with the agreement of the parties
- When all parties are present, the mediator will bring them together in a joint session if appropriate. At the joint session, the parties have the opportunity to explain their case in the presence of the other parties.
- After the joint session, the parties will have further private confidential sessions with the mediator.
- If the mediation results in a settlement, the parties will sign a binding agreement. Until this is done, there is no settlement, and the dispute will continue through litigation, or other traditional dispute resolution process.

What is Littleton Dispute Resolution Services Limited?

Littleton Dispute Resolution Services Limited (LDR) was set up in 1999 specifically to provide the services of Littleton barristers as mediators. Your mediation agreement will be with LDR. Fully integrated with Chambers' administration, LDR has experienced and trained staff to handle your mediation enquiries, answer your questions and ensure that the whole process runs smoothly. A hallmark of its operation is the ability to respond rapidly and to organise a mediation at very short notice.

Why choose Littleton mediators?

A barrister's ability to absorb information rapidly, to analyse complicated law and facts and to respond to changing situations are as important to mediation as to litigation, but not all barristers make good mediators. Littleton mediators have a wealth of experience in the hands-on conduct of litigation of all kinds and a huge range of specialist knowledge, but also that they are amongst the most experienced mediators at the Bar. Littleton barristers **Richard Price OBE QC** and **Colin Manning** are recommended in both **Legal 500** and **Chambers & Partners**. We will always help you to choose the right mediator for the job.

Can I choose a Littleton mediator if a Littleton barrister is acting in the case?

Yes, provided the parties agree on the choice of mediator. Confidentiality is strictly maintained. Chambers has an effective and highly regarded "Chinese Wall" policy in place which applies equally to mediation as to all other aspects of its work. If, as sometimes happens, both parties are represented by a Littleton barrister, there is no impediment to having a Littleton mediator.

What happens if the case is not settled at the mediation?

Mediations have a high rate of success and it very often happens that, even if the dispute does not settle at the mediation, it does so soon afterwards as a direct result of the mediation process. Even after the mediation has finished, our mediators are available to assist in bringing about a settlement if the parties so wish. If the case does not settle at or soon after the mediation the parties are free to carry on with the case and, perhaps, settle it a later date.

What happens if the settlement agreement is broken?

The settlement agreement is a binding contract which can be enforced through the Courts. Frequently, the settlement is incorporated in a Court Order, which makes the process of enforcement easier and quicker