

A black and white photograph of two rhinoceroses facing each other in a savanna setting. Their heads are close, and their horns are touching at a single point. The background is a soft-focus landscape with grass and distant trees.

C | ONCENTUS

EXPLORE | FACILITATE | RESOLVE

#UNLOCKHORNS

WHAT IS MEDIATION?

Mediation is a form of dispute resolution which allows you to take control of the ultimate outcome of your dispute.

It is a completely voluntary process, so you can choose how to mediate, when to mediate, who will be your mediator, where the mediation will take place and what you want to achieve from it.

It is an absolutely confidential process. Anything you say to the mediator remains confidential until you allow the mediator to tell your opponent. Also, should you not be able to settle the case at mediation, the court will not be made aware of what was discussed.

You can withdraw at any time, and nothing is binding until a settlement agreement is signed.

Mediation is your opportunity to bring the dispute to an end and move on #unlockhorns





WHY MEDIATE?

WHAT IS THE ROLE OF THE MEDIATOR?

The mediator is not there to take sides, nor is he or she a judge. The mediator is completely neutral and is there to facilitate discussion, encourage the exchange of information, play devil's advocate, exchange and relay offers of settlement and help the parties to understand the consequences of proceeding with litigation.

The ultimate decision to settle is the parties' decision.

WHY CHOOSE TO MEDIATE?

Litigation is expensive and the outcome is uncertain for all parties. Even if you are successful in court, you may not get the decision that you were aiming for.

If you cannot negotiate with your opponent and come to an agreed conclusion then a conclusion will be imposed upon you by a judge and the outcome may not suit either of you and will be after significant legal fees have been incurred.

Mediation brings flexibility to finding a solution to a dispute that litigation cannot do. Your needs and the needs of your opponent can be explored in great depth, which may not necessarily happen in a trial. A mediator can assist you in exploring solutions to your problems and tailoring the mediation to suit issues as they arise throughout the day.

Mediation allows you to explore the issues which are most important to you and bring closure to some sensitive issues which may not even be featured in the legal pleadings. The mediator can work with you to help you through certain issues which may be unknowingly causing a barrier to settlement.

It allows you to take control of timing and therefore get some certainty in relation to the costs being incurred. It also allows you to be open with each other yet feel protected by the confidential environment.

WHAT HAPPENS AT MEDIATION?

A mediation can take place in one day and is a flexible process guided by the mediator. The parties may meet and spend a significant amount of time in the same room, or they may never see each other. You will have your own private space to explore solutions to your dispute with the mediator. As will your opponent. The mediator will spend the day working between you to try and reach a resolution.

DO YOU HAVE TO SIT AROUND A TABLE WITH YOUR OPPONENT?

The short answer is no. A joint meeting between the parties will be encouraged if the mediator feels that it will benefit the parties and be productive to the process and conducive to achieving settlement. A mediator will not force you to engage in a joint opening session where all parties sit around the table. That said, you should be guided by the mediator if they suggest that such a session would assist with negotiations.

Ultimately it is a decision for you and the mediator can only make suggestions and give guidance based on experience and expertise. As daunting as a joint session may feel, it allows the parties to look each other in the eye and explain what is important to them, even make apologies or listen to someone who has been hurt. This can be priceless in terms of settlement.

IS YOUR CASE SUITABLE FOR MEDIATION?

Most cases are suited to mediation. Litigation is a form of dispute resolution, as is mediation. Mediation is not something that sits within the litigation process, it is a stand-alone process and can be considered as an alternative process to resolve any issues that you may have.

Discuss your dispute with a solicitor or with a mediator directly to consider whether mediation could work. In 99% of cases, it could work, it saves on significant fees associated with litigation and gives the parties the freedom to engineer an outcome that all sides can live with.

TESTIMONIALS

"Samantha is one of the best mediators I have used. She is a pleasure to work with, understands the complexities involved in bridging seemingly unbridgeable gaps between the parties and has a really good commercial acumen. She is an excellent mediator."

COMMERCIAL LAW FIRM, MANCHESTER

"Sam is an active mediator who engages with the parties to ensure that each side can explore and understand the strengths and weakness of their respective cases. She challenges participants which aids in resolution and her approach is refreshing especially when some of her peers simply pass messages. Having utilised her services recently for a commercial dispute I would not hesitate to recommend her."

COMMERCIAL LAW FIRM, TEES VALLEY

"Sam helped make the mediation process so much easier. It can be daunting for clients who are embarking on mediation and Sam instantly made my clients feel at ease and comfortable in the situation they had found themselves in. Sam's guidance was firm but also friendly and her involvement was paramount to reaching the resolution we needed. I would happily and highly recommend Sam as a mediator."

COMMERCIAL LAW FIRM, LEEDS

"Samantha toiled in to the early hours for us to help us to find a resolution for what was a multi-party contentious probate case and it was hugely appreciated by us and by our clients. It really was a sterling and highly professional effort from her and we will not hesitate to recommend her or to use her again as a mediator. Thank you!"

COMMERCIAL LAW FIRM, NEWCASTLE

"We engaged Samantha as a mediator in a complex contentious probate matter with an agricultural context. Samantha's manner and methods were excellent throughout - she knew exactly how to explain arguments and proposals to the clients so that they could easily understand and quickly grasp the differing positions. Her innate understanding of people (and especially farmers!) was absolutely invaluable).

Samantha also reacted quickly and appropriately to situations as they developed, adapting her approach and knowing exactly when to intervene and when to stand back. I would not hesitate to recommend Samantha to anyone, especially those looking for a sensitive yet tough and determined mediator."

COMMERCIAL LAW FIRM, NEWCASTLE

"Samantha Lowe is a confident, skilful and tenacious mediator. She has a way of drawing you in, challenging old narratives, getting you to look at a situation with a new perspective. She carefully created in a single day, the right environment in which a twenty-year dispute was finally brought to a satisfactory conclusion for both parties. I never thought for one minute she could help us reach an agreement, and I am delighted she proved me to be wrong. Thank you Sam."

LITIGANT IN PERSON

CONCENTUS MEDIATION

Concentus mediation provides expert services with active mediator involvement to resolve and conclude disputes.

Whether this is by way of attending a full day of mediation, participating in online mediation or a form of digital or telephone mediation, Concentus is able to actively assist in exploring disputes, facilitating discussions and resolving conflict.

Samantha Lowe, founder of Concentus is also a commercial litigation solicitor and has been working in the commercial litigation arena for over a decade. As well as dealing with general litigation, Sam's niche area of practice is chancery work with a specific focus on contested probate, trusts and estates. Her in depth knowledge of the law and the personal and emotional aspects of these cases, allows her to mediate with specific expertise and understanding of the sensitive issues which tend to drive these matters.

CEDR ACCREDITED
CMC REGISTERED MEDIATION PROVIDER

www.concentus-mediation.com





“SAMANTHA COMBINES A FIRST CLASS LEGAL BRAIN WITH TONS OF EMOTIONAL INTELLIGENCE - AN EXCELLENT MEDIATOR ALL ROUND. I WOULDN'T HESITATE TO RECOMMEND HER SERVICES.

PRIVATE CLIENT LAW FIRM, LEEDS

”

A black and white photograph of two rhinoceroses facing each other in a grassy field. Their heads are lowered, and their large, textured horns are touching at a single point in the center. The rhinos' eyes and ears are visible, and the background is a soft-focus landscape.

#unlockhorns