

# Mediation

Mediation is an opportunity for both parties to control the details of an agreement before finally committing to the unpredictable decision of a Court. The service is a confidential, highly successful form of facilitated negotiation that will assist in all types of dispute.



Bell Ingram and Catalyst Mediation offer facilitative mediation, a modern and proven alternative to litigation.

Mediation provides everyone with a better understanding of what happened, why and how solutions might resolve the past and prevent a repeat in future. The majority (75%+) of disputants reach an agreement during mediation because it enables them to see issues more clearly and provides a more creative and positive process which overcomes the uncertainty, costs and limitations that an adversarial Court based process brings.

Much will depend on the skills of the mediator.

To appoint a mediator is to choose to work together to overcome the drift towards litigation, unfortunate relations, wasted expense and unnecessary stress.

Our mediation service covers disputes over property or valuations, negligence, estates management issues, partnership disputes, compulsory purchase matters, employee grievances, supplier breach of contract or a divorce.

## Our typical proposal for a mediation would include:

- Introduction
- Background Information
- Potential Mediation stages
- Potential Mediation costs
- Potential Mediation dates
- Potential Venue
- Follow up

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**‘Another example of an excellent service and one which delivered a result that allowed both parties to walk away from an otherwise destructive relationship’**

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# About The Mediation

Many disputes will settle during mediation because the sensitive, creative and positive process overcomes uncertainty, legal costs and limitations that an adversarial process brings. Our mediator or mediation panel uphold the highest standards of excellence and ethics.



## Mediators will:

- Play a neutral role
- Assist you in understanding one another and in reaching agreements
- Ask questions to help you identify the issues and interests in need of resolution
- Remove or reduce conflict
- Encourage co-operation in the generation of solutions
- Help with the final agreement

## Mediators will not:

- Make decisions for you
- Determine who is "right" or "wrong"
- Talk with anyone about any private conversations with you, without your permission
- Disclose any details of the mediation

## Before the Mediation

A pre-mediation meeting may be suggested. This is a confidential session with a mediator where you can ask any questions about the mediation itself. The mediators will work with you to prepare for the main meeting, helping you to identify the key issues requiring your agreement and what the other party might need to have agreed to and how that could be done.

Any papers that you want to use at the mediation will be shared with the other party (and vice versa), so these should be sent to us one week before the mediation date.

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**'My client came out of the pre-mediation meeting feeling extremely reassured about the process and the way in which things would proceed. As she knew what to expect, she was more relaxed as a result'**

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# At The Mediation

Our experienced knowledge and specialist negotiation skills in mediation enable us to provide a thorough and effective service in all types of cases. We are not limited to property and land disputes.



## At The Mediation

### Introduction and Preparation

With both parties present, the mediator(s) set the stage for the process. Among other things, they will:

- Explain the process and their role as a facilitator to discussion, airing the issues and helping both parties to identify and explore solutions
- Set 'ground rules' and give both parties an opportunity to add additional ground rules to facilitate the process
- Encourage each of you to explain in your own words, how you think the dispute started and what you hope to achieve through the mediation.

### Agree what needs to be done

This may seem obvious, but in the initial discussions it is vital that you have the opportunity to have a face to face, frank discussion about what happened and draw from it the key issues that are important to each of you. The more preparation you have done the faster this stage can prove.

## Problems / Solutions

This is the actual problem-solving phase of the process. Together with the mediators you will establish which issues to start with – possibly those that appear to be less contentious – and seek ways in which your differing needs can be met. The more contentious the issue, the harder the negotiating, but the mediator will help both sides equally to identify new ways of satisfying needs so that no one loses – the win win approach.

Mediation is a “without prejudice” negotiation – that means that you can test ideas without being bound to them – nothing is binding until it is written down and signed off by everyone.

### Reaching Agreement

This is the step in which the ‘when’, ‘what’, ‘where’ and ‘who’ of the agreement you have reached are summarised for everyone to have a chance to consider and agree. Normally these agreements, once signed, become legally binding.

# About Us

**Our Mediation Panel is a highly select group of individuals who combine experience in property, estate and a wide range of commercial negotiations to provide a broad base mediation service.**



## **Jeremy Scuse**

Jeremy has a degree in Psychology and spent 25 years in senior international marketing positions, followed by 10 years setting up his own companies. He became an accredited Mediator with CEDR (The Centre for Effective Dispute Resolution) in 2003 and has since gained experience in a wide range of conflicts. He sits on the Scottish Mediation Network's Workplace Interest Group and contributed to the Gibbons Review of the 2004 Employment Act.

Jeremy has a special interest in workplace mediation and has resolved many workplace conflicts. He has published a number of articles on internal mediation teams and is a member of the Scottish Enterprise Business Mentoring team.



## **Alasdair Fox**

Alasdair recently retired after 40 years as a solicitor. A partner of Anderson Strathern LLP in Edinburgh, he was accredited by the Law Society of Scotland as a Specialist in Agricultural Law and is a former member of its Rural Affairs Committee. He is a member of Scottish Rural Business Association's Law and Taxation Committee and the Scottish Association of Arbiters and Valuers (SAAV). A former adviser to the Scottish Government on Land Reform and Agricultural Law and the Scottish Law Commission on Agricultural dispute resolution and Irritancy in Leases, Alasdair has lectured and written widely on rural matters. He qualified as a mediator with Catalyst Mediation in 2008 and joined the specialist Land Panel of mediators the same year.



## **Graham Lumby FRICS**

Graham is a Chartered Surveyor and Managing Director of Bell Ingram, who has overseen considerable growth in Bell Ingram since being appointed MD in 1996. Over 30 years he has gained considerable experience in negotiations in the rural environment, acting for both private and corporate clients. His success as a negotiator is based on the principles of avoiding costly and lengthy legal action or compulsory rights, by achieving a negotiated settlement acceptable to both parties.



## **Malcolm Taylor FRICS**

Malcolm is a Director of Bell Ingram and responsible for the company's Rural Land Management department and the day-to-day running of the company's Forfar Office. He has 25 years experience of working with and negotiations within the rural environment and works primarily for private clients. Malcolm is a former chairman of the RICS in Scotland and a member of SAAV (Scottish Association of Agricultural Valuers) and an Associate of the Chartered Institute of Arbitrators. He has experience in rural arbitration and expert witness work and Sheriff Court appointments as a Man of Skill.



## **David Hughes Hallett FRICS**

David is a Chartered Surveyor, practising in Scotland, Northern Ireland and the North of England. A Former Director of the Scottish Landowners Federation and the Scottish Wildlife Trust, he has particular experience of working with natural heritage and the environment and in charities and the voluntary sector.

David qualified as a mediator in 2003, has been a panel member of Catalyst Mediation since its inception and he has gained considerable experience in over 60 mediations in a variety of case types.