



Reasonable Minds™



Christopher Cox
Commercial
Mediator

Mediators
help create
a climate
of change

Commercially driven
confidential strategic
conversations that
promote co-operation and
consensus to close deals
and resolve disputes.

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to help plan your negotiation
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Reasonable Minds

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www.reasonableminds.co.uk



Just give me some confidentiality

“You and I could make amends”;
“You and I were such good friends”.

These are words which to me signal a settlement.

Getting parties in conflict to be able to say these things is my aim. It happens not because but when they feel relaxed and secure with nothing to lose and everything to gain. For parties to have made this change does seem miraculous when, moments before, the impasse and mistrust between them was making conversation impossible.

So how does it happen? What is in place to support and encourage this? The answer is a combination of factors. It is usually that the parties won't tolerate the cost of disputes. They now recognise that it's not a sign of weakness to save money and repair relations by trying to reach agreement. What's more, the law says that it's their obligation to engage in what used to be known as “alternative” dispute resolution and that issuing proceedings to go to court is a last resort.

But in addition to saving money and preserving relationships, it's actually the security the mediation process creates which makes the move away from litigation so feasible and attractive. So if there are two parties, then there are going to be two separate confidential and private conversations each one involving the mediator so the mediator can establish exactly what each party needs and wants from the other.



*Christopher Cox is
a mediator from
Reasonable Minds*

The mediator can then suggest without breaching any confidence what further discussions might be helpful. Once the history has been explored, the issues identified and the parties working together, suitable terms are inevitably achieved.

There is also an overlaying outer layer of confidentiality that covers all the parties taking part in the mediation. In fact, the parties have signed up to blanket confidentiality so that nobody in the outside world actually knows the mediation is taking place. Add to that a settlement agreement that is also confidential and you can see why the parties can freely contemplate a compromise without any threat to their dignity.

The parties to a mediation are engaged in a secure agreed confidential process, flexibly orchestrated by the mediator, so each can explore settlement options. Using the one to one and general blanket confidentiality, a party never needs to reveal its hand but that does not prevent it negotiating a settlement.