

Mediation

Cat Maclean, Partner

cjm@bto.co.uk / 0131 222 2939

31 January 2023

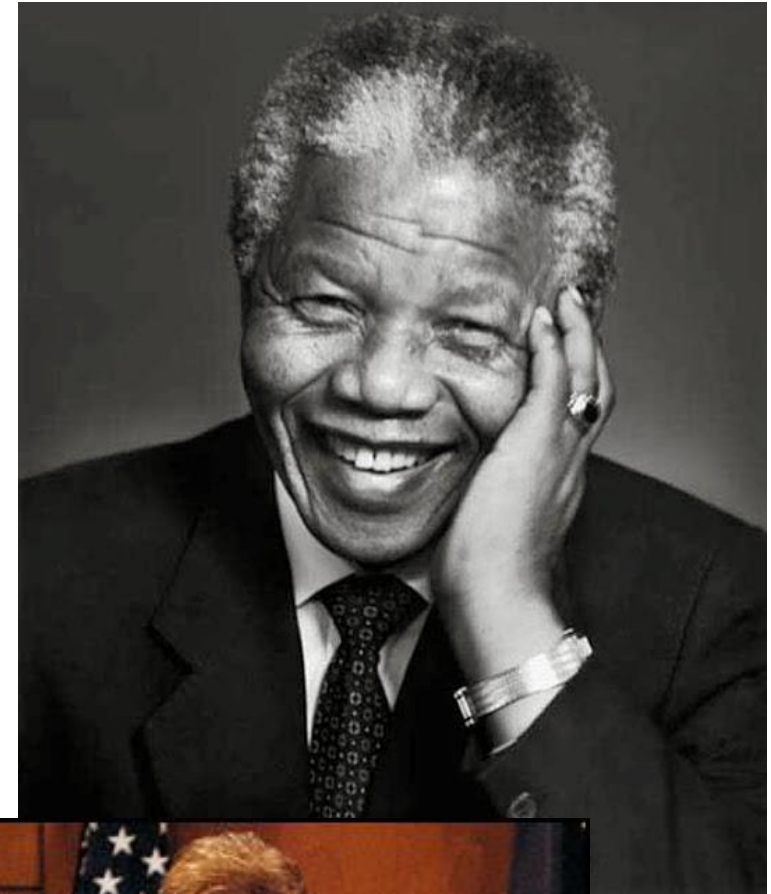


Cat Maclean

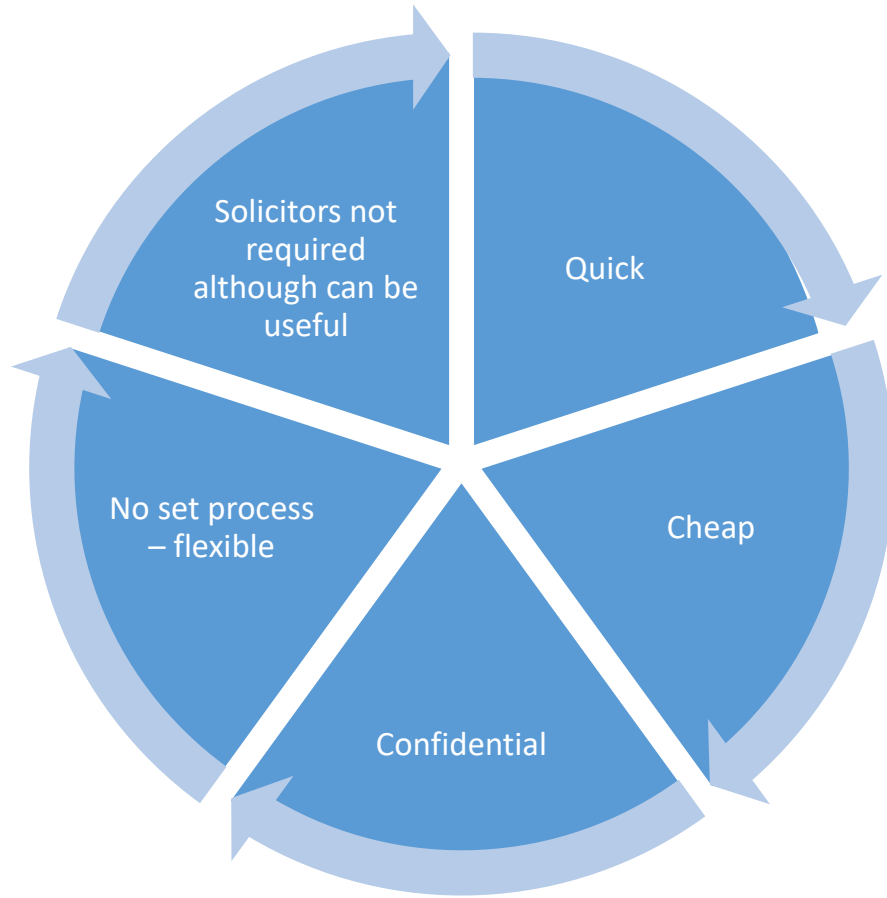
- ❑ Former Advocate (Scottish barrister) for 10 years
- ❑ Solicitor since 2008
- ❑ Have spent > 14 years litigating against banks and other financial institutions
- ❑ Carlyle case in the Supreme Court
- ❑ Qualified mediator

What makes mediation different from other dispute resolution processes?

- ❑ There is **no judge or decision maker** involved in the mediation process
- ❑ There is **no decision** at the end of a mediation process – although commonly, there is resolution
- ❑ The mediator operates as a **negotiator** whose aim is to work with the parties to bridge the gap between them
- ❑ Can be useful to think of the mediator as a buffer between the parties, and of mediation as **assisted negotiation**



How does mediation work?





Does it work?

- What do we mean by “work”?
- No binary outcome cf other DR processes
- Will not involve “vindication”
- A successful resolution is usually one that neither party is delighted about, but both sides can live with
- Will usually involve movement and compromise on both sides
- Resolution rate generally > 80%

**Any
questions?**

