



MEDIATION COST EFFECTIVE | SPEEDY | ENGAGED

Mediation is a form of alternative dispute resolution which can be instituted before or during court proceedings (at any time before judgment is obtained) and where parties to a dispute attempt to avoid costly and time-consuming litigation by appointing a mediator. Mediation is a voluntary process but, as of March 2020, it has become compulsory for parties to consider referring their dispute to mediation in any intended or pending litigation before the court as part of the pre-trial process.



GOALS OF MEDIATION

- Resolve disputes in a cost effective and efficient manner;
- Identify and limit the issues in dispute by facilitating discussions between the parties;
- Explore potential areas of compromise and options to resolve disputes;
- Assist in negotiations to resolve the dispute;
- Preserve the relationship between the parties by avoiding litigation in court



APPOINT A MEDIATOR

- Once a third-party mediator has been appointed by agreement between the parties, the mediation takes place through joint meetings and in-confidence separate sessions with the mediator in order to reach a workable compromise between the parties and, ultimately, clarification or resolution of the dispute.
- Parties to the mediation process include the mediator: who presides over the mediation process and facilitates communication to guide the disputing parties to practical and commercial solutions who may appear personally or they may be represented by attorneys.



DUTIES OF THE MEDIATOR

- Mediators do not adjudicate disputes but rather endeavor to assist the parties to settle the dispute by agreement.
- The mediator must conduct the mediation in a manner that he or she determines will most efficiently assist the parties in resolving the issues in dispute without making any recommendations or providing advice to a particular party on the merits of the dispute.
- The mediator acts as an impartial referee who guides the parties and assists in negotiations.
- The mediator is responsible for the administration of the mediation including the process and conduct of the mediation which should be to the benefit of both parties.

PLEASE NOTE

Mediation is not binding on the parties, unless they sign a written settlement agreement.

Mediators simply assist the parties to come to their own agreement.



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