

Hybrid mediation

What is it?

Also known as 'solicitor inclusive' or 'integrated' mediation, this approach means that solicitors and other professionals, can be involved in your mediation.

By involving other professionals in the process from the outset, it can lead to more productive sessions and a quicker resolution. The beauty of this model is that you can involve as many professionals as you require, for example your solicitors, your accountants or tax advisors, and both teams work together. There are separate rooms for each of you and your team, and the mediator will go between both groups – this allows you to bounce ideas back and forth without having to disclose your options to the other person until you are ready. It also allows joint meetings to take place at certain stages, but with the ability for both of you to have time out either to have some breathing space, or to take advice.

This contrasts with taking preliminary legal advice, starting mediation and taking legal or financial advice as and when needed.

What is the difference between that and traditional mediation?

The major difference between the typical mediation model and this hybrid process is that your mediator can keep information given to them by one party completely confidential, until authorised to disclose it. In a more traditional mediation, everything is open and nothing can be kept confidential. It is thought that by allowing the mediator to gauge what information might be helpful, it helps to develop trust and makes a successful outcome more likely. The mediator still remains neutral at all times.

Given the attendance of the professionals, it is often possible to finish the mediation with agreed Terms of Settlement or a draft Financial Consent Order on the day.

Solicitor inclusive mediations are also very helpful when you're feeling vulnerable or in high conflict or complex cases. It allows you to sit in separate rooms, and can often help a you regain a sense of control and empowerment. It is also very helpful when a case needs a particularly sensitive or confidential approach.

What are the main benefits?

- It is **quicker** – it could take place over a whole day, and an order could be drawn up at the conclusion
- It is **cost effective** – having solicitors involved throughout means advice can be given there and then, and reduces correspondence and dialogue between solicitors
- It helps **reduce conflict** – clients can sit separately, the mediator can help reframe difficult issues, and the need for letters between sessions is reduced
- It **increases certainty** – advisers can immediately deal with tricky implementation or technical issues, and there is less chance clients will change their minds if they have had advice on hand
- It can be used at **any stage** - even if proceedings have already been issued. Narrowing issues helps keep legal fees down
- **Mediated agreements last** – studies have shown that agreements arising from mutual consent last longer. Mediation enables flexibility and creativity.