BUSINESS · PREPARATION GUIDE

Commercial Mediation Preparation Guide

A practical guide to preparing for a commercial mediation — whether the dispute involves shareholders, partners, suppliers, or clients.

Clarify the issue

- What is the core commercial issue in dispute — payment, performance, decision-making authority, or something else?
- What outcome would actually be workable for the business, not just for you personally?
- Is there an ongoing relationship (a co-founder, supplier, client) worth preserving alongside resolving this dispute?

Gather relevant documentation

- The underlying agreement or contract, if one exists
- Relevant correspondence relating to the dispute
- Financial information relevant to the issue (only what's genuinely necessary)
- Any prior proposals or settlement discussions between the parties

Understand your constraints

- What are your genuine commercial constraints — cashflow, timelines, other obligations?
- What would happen to the business if this dispute isn't resolved soon?
- Are there decisions here that need input from other stakeholders (co-directors, partners, family members in a family business)?

Involve your advisers appropriately

Commercial mediation works alongside your attorney and accountant, not instead of them. It's often useful to discuss your position and constraints with them before mediation, and to involve them at the point of formalising any agreement reached.

This guide provides general information only and does not constitute legal or financial advice. Every commercial dispute is different — an introductory consultation is the best way to understand how mediation could apply to your specific situation.