



:: MARCEL ALTER
LL.B. (HONS), B.E.c.o, A.I. Arb A
SOLICITORS & RESOLUTION CONSULTANTS

Mr Con Medard

Dear Con,

RE: COST EFFECTIVE SYSTEMS

I have a problem that needs solving before it costs me more money.
Can you gentlemen (Ladies?) please tell me which of your systems
is the most cost effective?

MORIARTY
(Baker Street)

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Dear Moriarty,

RE: COST EFFECTIVE SYSTEMS

You ask a difficult question; all I can tell you is that if the matter settles at Mediation you will save yourself not only money but also time, effort and the intangibles, such as health and worry. Even if you don't settle, provided you are prepared properly, you will have all the information you need to make a decision as to whether you should or should not proceed further.

You have had the benefit of actively listening to the other side (or side's) case, which is surely a benefit for your future decisions. Furthermore, you have had the opportunity of putting your case to parties that needed to hear it.

The actual cost will depend on the Mediator, the time taken, and whether it is Court connected or not. Any costs are usually shared and therefore the pain is spread.

My role is assisting, chairing the meeting and ensuring all parties have a full understanding of each other's case. There is a benefit to you in being able to control your own destiny. I have found that where the parties make an agreement it will hold far better than an imposed resolution as it is the parties' resolution.

MR MEDIATOR

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Dear Moriarty,

RE: COST EFFECTIVE SYSTEMS

My answer is very much like my esteemed colleague, Mr Mediator. The important difference being that I can may become part of the decision-making process and can suggest solutions. This is of some benefit if the parties want or need more guidance and help in coming to a resolution. I cannot impose the final agreement that is up to the parties.

The advantage of my system is that I can move the parties along and make suggestions. The disadvantage is that sometimes this results in my resolution to an issue being the parties what the parties get.

MR CONCILIATOR

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Dear Moriarty,

RE: COST EFFECTIVE SYSTEMS

As a Facilitator, my role is essentially the same as my Colleagues, Mr Mediator and Mr Facilitator. However, I can go further and be involved in the implementation of any solution and also have the advantage that I am not bound by what is said to me at the meeting but can go out and investigate and make suggestions.

I can call in others to assist or advise. Thus whilst not imposing a solution I can actively work with the parties to a solution, with or without other professionals. Therefore, my costs will usually be higher than my colleagues, especially if there is on-going need to supervise or implement any methods. There may also be extra costs in employing such professionals and assisting the process.

MR FACILITATOR

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Dear Moriarty,

RE: COST EFFECTIVE SYSTEMS

The advantage of Arbitration is that I give you my daily fee and that is what it costs for as long as the parties wish to argue. At the end I give a clear decision that the parties must implement. This brings the matter to an end and thus I bring with me 'certainty', something I believe my colleagues do not provide. There may be extra costs of advisers, such as, Lawyers and preparation fees, but in the end the evidence is tested, and the rules of Natural Justice are adhered to and the Law is followed. The parties are able to get on with their lives and live with the judgment as has been brought down.

I am happy to work with parties to ensure that the process does not take any more than a certain length of time but in the end it is how the parties wish to argue the matter before me. You should note that at all times during the process the parties can agree to a solution between themselves.

The resolution is mine and is enforceable.

MR ARBITRATOR

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