



A Dispute Resolution Program Of Business Mediation Network, LLC

FREQUENTLY ASKED QUESTIONS (FAQ'S)

Q: What is the Business Conflict Forum®?

A: The *Business Conflict Forum®* is a service of Business Mediation Network offered through participating associations, organizations, businesses and firms that makes it easy to obtain the services of neutral mediators who help avoid and manage conflict and assist parties in resolving business-related disputes without disruptive and costly litigation or arbitration. The *Business Conflict Forum®* provides mediators with substantial hands-on business experience for a wide variety of disputes including among others contract issues, supplier / customer problems, real estate disputes, conflicts with lenders, investors, partners, employment disputes and intellectual property issues. Parties to business transitions including ownership and management changes can also use the *Business Conflict Forum®* to retain a neutral mediator to facilitate negotiations over sensitive issues.

Q: What is mediation?

A: Mediation is a private process where an impartial mediator meets with the parties in a mediation conference in an effort to reach a voluntary resolution to a dispute. All communications by the parties in a mediation process are confidential and cannot be used in later litigation. Mediators are neutral - they do not represent any party and they do not give legal advice.

Q: Why is mediation better than litigation or arbitration?

A: Mediation is much faster and much more affordable than litigation and arbitration and the decision of whether to settle and on what terms is made by the parties, not by a judge or arbitrator. Because the mediation process does not go through the extensive discovery and hearing process, not only are the costs substantially reduced, but also the parties have full control on how long the mediation will take. Instead of a lawsuit that can last years a mediation conference is often completed in one day or, if the parties prefer, be conducted by telephone.

Q: Who attends a mediation conference?

A: Each party identifies a person who has authority to resolve the issues to participate in the mediation conference. Also, parties are entitled to have a lawyer or other representative participate in the conference but this is not required.

Q: Who serves as the mediators for the Business Conflict Forum® and how are they assigned?

A: Business Mediation Network recruits and trains people with substantial business experience to serve as mediators. BMN's mediators have varied business backgrounds: <http://businessmediationnetwork.com/mediators/mediator-roster/>. The parties choose a mediator who is mutually acceptable from the BMN Mediator Roster that lists the mediator's location, industry experience, personal expertise, biography and other pertinent information. Business Mediation Network assists the parties in the selection of mediators and handles the scheduling of mediation conferences, billing, payment of mediator fees and all other matters relating to the mediation.

Q: Is the mediation process complicated?

A: No. The mediation process is a flexible and responsive to party preferences. Typically, the parties will follow the published BMN Mediation Rules that outlines a simple and fair process; see: <http://businessmediationnetwork.com/bmn-mediation-resources/bmn-mediation-rules/>. However, the parties may agree to alter the process to fit their needs. For example, BMN offers a hybrid of mediation and arbitration, known as "Med-Arb" if the parties so desire and agree in advance; see: <http://businessmediationnetwork.com/resources/med-arb/>.

Q: Are there fees for the mediation service?

A: Yes. Business Mediation Network publishes a schedule of fees on its website: <http://businessmediationnetwork.com/bmn-mediate1st/bmn-mediation-rates/>. Business Mediation Network collects a Mediator Fee to compensate the mediator based upon the length of the mediation conference. Most mediation conferences are concluded in one day or less. Business Mediation Network normally charges a Submission Fee to administer the mediation. As part of the *Business Conflict Forum®*, the BMN Submission Fee is waived for all parties to a dispute involving a member of an association or organization that is part of the *Business Conflict Forum®*. Unless the parties agree otherwise, all fees are divided equally among the parties. A portion of the Fees collected from this program is paid by BMN to the referring association or organization.

Q: How do I submit a dispute to the Business Conflict Forum®?

A: You can download a submission form for your association or organization at <http://businessmediationnetwork.com/business-conflict-forum/>. You can also contact Business Mediation Network at info@BusinessMediationNetwork.com to request a *Business Conflict Forum®* Submission Form. Complete the form and return it to Business Mediation Network. BMN will then contact you.

Q: Can members of associations that participate in the Business Conflict Forum® refer others?

A: Yes – BMN understands that we live in an interconnected world where the negative effects of conflict can reach beyond the immediate parties. Association members can refer affiliates, customers, clients, suppliers and others to use the *Business Conflict Forum®* on the same terms as members.

Q: What if the other party to the dispute does not want to mediate?

A: Participation in mediation and in the *Business Conflict Forum®* is voluntary. The Submission Form asks that you designate whether you wish to contact the other parties to the dispute and invite them to mediate or whether you want Business Mediation Network to contact the other parties and extend the invitation.

Q: Is there any way to require other parties to mediate?

A: Business Mediation Network strongly recommends that businesses and business people plan to mediate before disputes arise. By including BMN's *Mediate1st®* clause in all contracts, employment policies, loan agreements and in partnership, corporate and other documents all parties are required to participate in mediation before filing a lawsuit or arbitration in the event of a dispute. In this way, parties can take control of the dispute process before a dispute arises. To download BMN's two-sentence "*Mediate1st®*" sample contract clause, visit: www.Mediate1st.com.

Q: What if you do not have a Mediate1st® clause or the dispute arises outside of a written contract?

A: Businesses can adopt the *Mediate1st®* approach as a general policy even where conflict arises outside of a contract by participating in the *Business Conflict Forum®*. Declaring a policy of mediating disputes before litigation or arbitration allows a party to confidently offer mediation whenever conflict arises and reduces the fear of projecting weakness in any particular matter.

Q: Is there a connection between the Business Conflict Forum® and your association or organization?

A: The *Business Conflict Forum®* is a service offered by Business Mediation Network, LLC, which is not affiliated with the referring associations or organizations other than by offering their members and clients *Business Conflict Forum®* services. Participating associations or organizations are not responsible for providing any mediation services including the selection, training or assignment of mediators or for the conduct of the mediation conference or any settlement reached. All communications and fee payments are confidential and are solely between the parties and Business Mediation Network.

Have other questions?

Contact:

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or Visit:

www.BusinessConflictForum.com