

Mediation Case Study 2

A professional consultancy dispute

The parties had previously worked together in the same field of consultancy. They were both professionals.

They started a new business but, as is often the case, they did not document the arrangement. They did set up a company but there was no shareholders agreement as such. They then fell into dispute but, at the heart of the dispute was the overall arrangement between them, which was effectively a partnership. This dispute involved the ownership of the business, the ownership of certain intellectual property and the distribution of the revenues of the business. The case came to mediation.

The first task was to establish the options for the structure of a possible settlement and also to work out 'which way the money was moving'. Once this structure had been agreed in principle, there was work to be done on the numbers and this was ultimately agreed. What also unlocked the settlement was the prospect of one party being able to pass business to the other, once the settlement had been implemented and the dust had settled.