Business Mediation

Mediation Event - - Athens 20 March 2017

Dr. Thomas Lapp, Frankfurt Rechtsanwalt und Mediator



Business Mediation

- Conflicts between
 - Companies
 - Allied Companies
 - Management and Employees
 - Management and Workers council

Mediation Event -Athens 20 March Dr. Thomas Lapp -Rechtsanwalt und Mediator IT-Kanzlei

Area of conflicts

- Related especially to technical problems
 mainly IT
- Example:
 - block-type thermal power station to use biogas
 - Society of towns producing biogas
 - Energy provider to produce electricity

and heat from biogas IT-Kanzlei Mediation Event - Dr. Thomas Lapp - dr-lapp.de Athens 20 March Rechtsanwalt und Mediator 2012 Society of towns to buy the heat

Emotion in business mediation

- More businesslike approach of the parties
- Less emotional dicussions
- Hard bargain, tough redarding the matter
- Friendly to the person

Mediation Event -Athens 20 March Reck

Dr. Thomas Lapp -Rechtsanwalt und Mediator



Below the surface

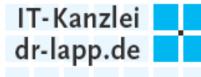
- Emotions lying below the surface
 - People expect fairness even in tough

business

- People search for recognition
- Business people want to make profit
- Representatives have to report about
 - what happened in mediation process
 - the good deal they made

Mediation Event -2017

Dr. Thomas Lapp -Athens 20 March Rechtsanwalt und Mediator



calculation

- After more then ten years the society of towns found out that they paid for the heat produced while the calculation in their written contract is based on the heat really used
- Claim about 150.000 €

Mediation Event -Athens 20 March 2012

Dr. Thomas Lapp -Rechtsanwalt und Mediator IT-Kanzlei 📃

Conflict escalation

- Parties define their positions and build walls of legal aspects to protect them
- The other party more and more looks like an enemy instead of a business partner
- Below the surface each party fears to

make even small concessions without

knowing the counter concession

Athens 20 March 2017

Mediation Event - Dr. Thomas Lapp -Rechtsanwalt und Mediator IT-Kanzlei

Challenges for business mediation

- Supersede fear by understanding of the other side
- Recognition of the other parties intentions
- "This other party is not the enemy"
- Persistant asking
 - what the parties really wanted to do

Who should bear which risks dhotanzlei

 Mediation Event Dr. Thomas Lapp dr.lapp.de

 Athens 20 March
 Rechtsanwalt und Mediator

 2012
 What revenue was expected

First steps

For the time within statutory limitation period parties agreed on a payment about 15.000 €

Mediation Event -Athens 20 March 201.7

Dr. Thomas Lapp -Rechtsanwalt und Mediator IT-Kanzlei _____ dr-lapp.de _____

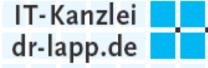
feelings

- We feel that we whre treated unfair for over 10 years and don't want to accept this not to be discussed just for the reason of statutory limitation
- We fear huge financial claims
- We always acted fair
- In the past we initiated change of

calculation in favor of you

2017

Mediation Event -Dr. Thomas Lapp -Athens 20 MarchRechtsanwalt und Mediator





Steps to the solution

- Parties already found a fair calculation basis
- Knowing what they know now, this would

have been part of their original contract

Athens 20 March 201.7

Mediation Event - Dr. Thomas Lapp -Rechtsanwalt und Mediator



Final Question:

 Is it possible to recalculate on this basis from the beginning of the contract?
 > 15 minutes: after arbitration, experts opinion and long time ...
 > 45 minutes later -

Mediation Event -Athens 20 March 2012

Dr. Thomas Lapp -Rechtsanwalt und Mediator



Lessons learned

- Business Mediation is also dealing with emotions
- Empowerment, Recognition and Fairness are

the key factors

Persistant questioning and looping leads

to the pain points - from where the

solution can be found

Timing is essential - IT-Kanzlei Mediation Event - Dr. Thomas Lapp - dr-lapp.de Athens 20 March Rechtsanwalt und Mediator Pointhe final question would not have worked

IT-Kanzlei dr-lapp.de

IT-Kanzlei 📃

dr-lapp.de

- Dr. Thomas Lapp Rechtsanwalt und Mediator
- Corinna Lapp
 Rechtsanwältin
 Fachanwältin für IT-Recht und Mediatorin

Berkersheimer Bahnstraße 5 60435 Frankfurt Tel.: 069/9540 8865 Fax: 069/9540 8864 anwalt@dr-lapp.de www.dr-lapp.de Mediation Event - Dr. Thomas Lapp -Athens 20 March Rechtsanwalt und Mediator