

Business Mediation

Mediation Event - - Athens 20 March 2017

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Business Mediation

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



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

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▪ Society of towns to buy the heat

Emotion in business mediation

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



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



calculation

- After more than 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 €



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



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“
- Persistent asking
 - what the parties really wanted to do,
 - who should bear which risks and
 - what revenue was expected



First steps

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

feelings

- We feel that we were 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



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

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 -

Lessons learned

- Business Mediation is also dealing with emotions
- Empowerment, Recognition and Fairness are the key factors
- Persistent questioning and looping leads to the pain points - from where the solution can be found

▪ Timing is essential -

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the final question would not have worked

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