

Contractual solution to dispute resolution

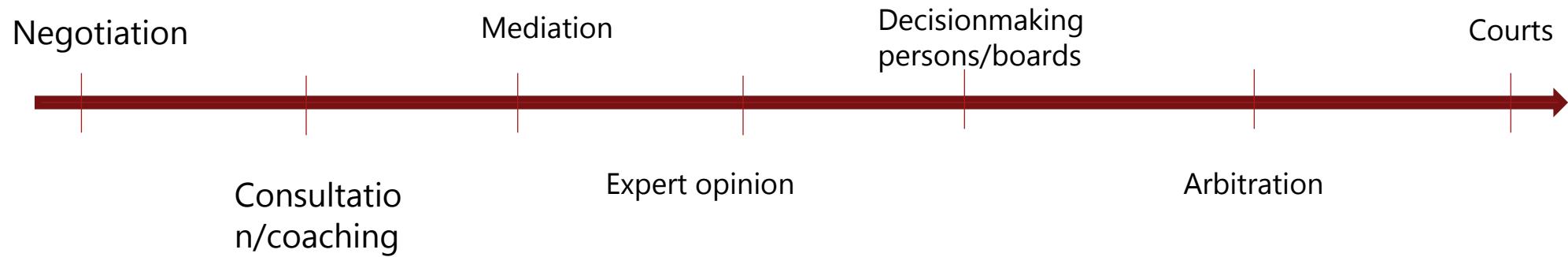
Practice Committee Conference 2025
December 8, 2025

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Conflict management continuum



What is mediation?

Mediation in a general sense:

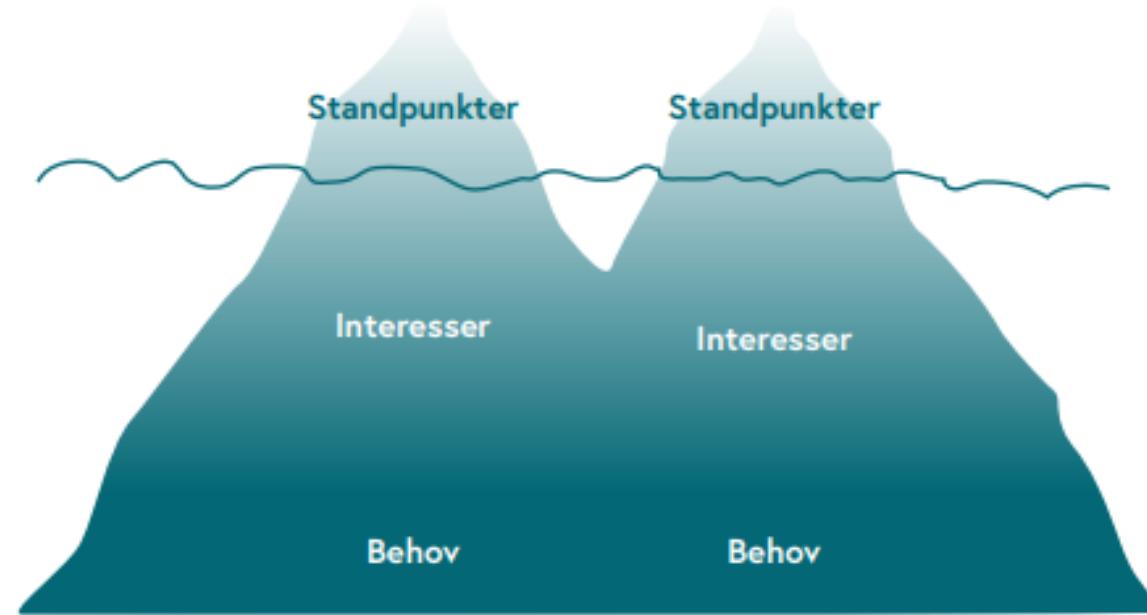
Any activity where a third party helps others in conflict solve a conflict.

Mediation in a professional sense:

A voluntary and confidential conflict resolution method in which one or more impartial third parties assist the parties in finding and negotiating a mutually satisfactory solution through a structured process. The mediator frames and leads the mediation but does not make any decision in the case. Mediation operates within a formal or professional ethical framework.

In Danish: mediation/mægling/konfliktmægling/retsmægling

Issues



From Lin Adrian, *Konflikter og konflikthåndtering*, Samfunds litteratur 2023, p. 77

Mediation or not?

Appropriate	Not appropriate
Parties wish an informal process	Precedent needed/wanted
Other issues at hand	Strictly legal issues
Time pressure	Parties cannot make the decision on the matter
Parties have a continued working relationship	Power imbalance cannot be handled appropriately
...	...

Thank you for your attention

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