

Mediation for clarity, peace and better quality of life

Conflicts are a part of life. Mediation helps to clarify or resolve stressful conflicts – or to avoid them altogether. Sometimes, you require the support of a third party from outside the situation.

- Mediation has many areas of application. I specialise in the following:
- Mediation for family businesses and entrepreneurial families
- Mediation for company succession
- Inheritance mediation

In addition, I offer the following services:

- Administration of the estate through mediation
- Execution of wills through mediation
- A few references

I also offer presentations on these topics.

Mediation

The process

Conflicts signal a need for change and open up development opportunities. However, conflicts become a problem when they cause emotional stress or destructive behaviour, or when they escalate or ultimately become destructive. Then you not only have conflict – the conflict has you!

As an independent and neutral mediator, I will help you improve communication in a mediation process or get it going again, broaden your perspective, and build mutual compassion and understanding. This is to help you help yourself, so that you can find practical and sustainable solutions to controversial issues.

Lawmakers have dedicated a separate law to mediation. According to this law, mediation is a confidential and structured process in which the parties involved, with the help of one or more mediators, voluntarily and responsibly strive for an amicable settlement of their conflict.

How is this accomplished? The key element is finding out the real motivations of the participants, which underlie the often contradictory positions. This clears the way for solutions that ultimately benefit both parties.

Any agreement reached is documented in a contract. As a mediator, I am required by law to ensure that you make this agreement with full knowledge of the facts and understanding of its content. It is also important to me that you have the contract checked by external consultants such as your lawyer.

If you wish, I can also conduct mediation online.

Advantages of a mediation over a court proceeding

- Mediation uncovers the actual causes of the conflict. In court, the conflict is reduced to legal positions.
- The mediator supports and encourages those involved to work out a solution. In court, a judge decides.
- Solutions that are worked out and decided upon independently by those involved are usually more sustainable than judicial decisions. Winning litigation often does not settle the actual conflict and can leave participants and relationships permanently damaged.
- In mediation, acceptance of one's own weaknesses and understanding the other party often creates the turning point in the conflict. In Court people hide their own weaknesses and capitalise on other people's weakness to win.
- In mediation, we shape the future. In court, we only judge the past.
- Mediation saves – time, money and energy. Legal proceedings cost – time, money, and frustration.
- The mediation process is confidential, while court proceedings are usually public.

A timely-initiated mediation...

... promotes family peace.

... leads to a noticeable emotional relief for all those directly and indirectly involved.

... helps to create a constructive cooperation, e.g. within the company.

... protects against a long period of unproductivity or even loss of assets.

In addition,

... mediation is voluntary and can be terminated at any time.

... the decision to go to mediation does not rule out the choice to go to court later.

My offer for lawyers, consultants or auditors

Is finding a solution with your clients faltering? My experience has shown that people can quickly resolve issues as soon as their relationship issues have been resolved.

My offer

I also offer cooperative support for the benefit of your clients – and thereby also benefitting you: As a mediator, I accompany your clients as they clarify emotional and relationship issues or any other issues from my areas of expertise. This clears the way for finding a good solution on a factual level. I will honour your mandate.

An example of successful mediation

A daughter and son inherit half a house each from their mother. The daughter has been living with the mother and has taken care of her, and for that reason, has put her own career on hold. The successful son has rarely been in contact with his mother and sister. The daughter would prefer to reside in the house but cannot buy out her brother. A partial public auction is imminent – initiated by the brother – which would lead to a revenue significantly below the current market value.

Sister and brother agree on a mediation. The sister learns that her brother's breaking off contact relates to a year-old humiliation caused by the parents. Her listening and growing understanding bring the brother to the realisation that he should see his half of the house no longer as compensation for this subjectively sustained injustice. The brother begins to recognise and appreciate the sister's dedication to the mother and her putting her own career on hold. They agree that the sister will receive the house. One of the two apartments in the house is rented out. The brother's share of the inheritance – reduced by a care compensation for the sister – will be paid off via a long term, backed loan by the sister via the rental income.

The path

With the support of the mediator, the parties sat down and disclosed their interests and motives, which had been hidden behind their original positions and claims: from confrontation to cooperation.

Benefit

A resolution was found without any losers, emotional topics were clarified, revenue losses were avoided, and the house was kept.

My fee

Working together requires trust. In the free initial consultation, we get a first impression of each other and can decide on future cooperation. After that, I work on an individually agreed upon hourly basis, reported by time and activity logs.

Mediation for family businesses

Do you or your family own and run a business?

Then you know that those involved usually have several roles simultaneously – as a family member, company manager or owner. On the one hand, this is the core strength of a family business.

On the other hand, the almost unavoidable mixing of roles and resulting conflicts of interest create an increased susceptibility to conflict and high demands on all those involved.

The connection between family and company results in a unique dynamic that is particularly affected by – and evident in – complex decision-making processes and conflict situations.

My offer

During the mediation process, I grasp this dynamic and uncover the different logics and paradoxes as well as the positions and desires of those affected. Only through understanding the feelings and unique perspectives of all those involved can we find meaningful and sustainable solutions to the issues at hand.

Your benefits

My many years of experience as a self-employed auditor and entrepreneur have given me valuable insights into the realm of "family business". In addition, a well-equipped toolbox helps me to be able to react flexibly in different situations. All in all, excellent prerequisites to assist you in gaining clarity and making the best possible, future-oriented decisions for your family and company.

Typical situations

- Shareholder conflicts, management conflicts, conflicts among siblings
- Creating a family charter
- Revision of partnership agreement
- Estate planning
- Emergency preparedness and other conflict prevention measures
- Clarification of role conflicts and conflicting interests, from discrepancies between the frameworks of "family "and "company"
- Family conferences or family talks
- Company succession

Mediation in company succession

Would you like to hand over your company within or outside of the family?

For a company transfer within a family, both family members have facts and especially emotional challenges that need to be overcome in the succession process.

Such a delicate process needs to be well planned and supported.

It's essential to pay particular attention to the mixture of roles, conflicting interests and contradictions that result from the amalgamation of family and business.

My offer

I gladly support you in balancing the different forces at work to make the succession process a successful event for everyone involved. A mediation process forms an excellent framework

for this outcome. In addition, or as an alternative, I can take on the role of coordinator for your succession process.

Your benefits

Not only do I have the necessary mediation skills for such a task, but I also have a wealth of experience in the economic, fiscal, and legal issues involved. Thanks to many years of interdisciplinary cooperation, I understand the language of lawyers, tax consultants and other service providers involved in the process.

Typical situations

- The pending decision as to whether to hand over the property and/or management to one or more persons
- And deciding whether to hand it over within or outside of the family
- Coordination of interests and expectations between the transferor and the transferee
- Balancing different ideas of fairness
- Drafting of a family charter before/after company handover
- Coordination of succession in the company with private estate planning
- Creation of an emergency binder or emergency plan
- Sudden deficiency or death of the family entrepreneur
- The entrepreneur's withdrawal – a farewell to one's life's work

All regarding inheritance – Inheritance mediation

Are you a bequeather or heir?

In inheritance matters, factual matters are closely linked to relationship issues. Imagine if every family member had written down their own family history – especially the feelings associated with it – in an imaginary book. At the latest, when the subject of "inheritance" becomes real – consciously or unconsciously – those affected will bring out this "book of life" again. Naturally, they then want someone to listen to the chapters that are most important to them. And isn't it also your wish that all goes well and fairly so that everyone involved can get along with each other or heal their relationships?

My offer

I offer you a mediation process in which we first structure the initial situation in a clear manner and everyone can bring their important issues to the table in a protected and confidential setting – preferably before the inheritance. Of course, it can also be afterwards – which takes courage; however, it clears the way for self-determined solutions that permanently preserve or restore family peace.

Your benefits

As a mediator and executor familiar with inheritance matters, combined with vast professional and real-life experience, I can easily adapt to your particular issues and

concerns. It is vital that I really understand all conflict partners on a factual level and emotionally. This makes a growing, mutual understanding possible for all parties involved.

Typical situations during a bequeather's lifetime

- Preventive and constructive estate planning involving those affected – this includes structuring your topics and clarifying your own intentions
- Company succession
- Anticipated succession
- Planning and implementation of preventive measures, e.g. healthcare proxies
- Conflicts among siblings

Typical situations after the death of the bequeather

- Interpretation of the will
- Estate settlement or accompanying a community of heirs
- Enforcement of the compulsory portions
- Execution of a will
- Distribution of the estate
- Clarification of perceived injustices in a legal or will succession
- Recognition or appreciation of achievement, e.g. caring for parents
- Will of the disabled
- Preliminary and beneficiary inheritance

All regarding inheritance – mediative estate processing

Would you like support after the inheritance?

When the bequeather has passed, you, as their heir, follow in their legal footsteps. You take over the entire estate – assets and debts. This goes hand in hand with rights and obligations. There's a lot to take care of, even if you are not ready for it during your period of mourning. In this situation, it is good to have someone there who can relieve you of a wide range of tasks and duties.

My offer

Feel free to contact me if you would like such relief and assistance with the settlement of the estate. Get an idea of how I can help. I'll do my best to justify putting your faith in me.

Your benefits

I bring over 25 years of experience in economic, fiscal and financial matters – combined with my knowledge as a certified executor and mediator – to the table

Typical reasons for entrusting me with the settlement of estates

You are unable to take care of the estate yourself, perhaps because you don't have the energy, you live far away, or your time is limited.

The financial or family circumstances of the deceased, or your own, is complex.

To avoid disputes, you would like support with the coordination and communication between the heirs from a neutral and independent party.

In acute disputes, a mediator experienced in inheritance matters should mediate.

My task

I support you in securing, administering and distributing the estate to the extent we have agreed upon. This includes, for example, the implementation of an existing will, the fulfilment of tax obligations, the settlement of liabilities and the realisation of assets that are not required.

After our consultation, I will first get as precise an overview of the estate as possible, including the digital one:

- What assets are there, and where are they located?
- What liabilities, contracts and memberships exist – and what are the notification deadlines (e.g. concerning existing insurance) or notice periods (e.g. with regard to a rented apartment)?
- What contractual relationships do the deceased leave behind as an internet user?

In the case of a community of heirs, the estate is usually divided among them – the German Civil Code refers to "distribution of an estate". I will draw up a settlement plan to address this, which I will coordinate with you as the heir.

Mediative approach

The goal is to find solutions that meet the interests and needs of all heirs while honouring the will of the bequeather. Therefore, it is important to me to be in close contact with all heirs. I aim to carry out the tasks that arise with good intuition and sensitivity. Thanks to a transparent method, all those involved remain informed at all times.

All regarding inheritance – mediative execution of wills

Would you like someone to carry out your last will and testament?

Execution of a will can be the method of choice. It can be ordered in your will or contract of inheritance by you to carry out your wishes, prevent disputes and exonerate heirs. As executor, I administer and distribute your estate according to your specifications. Executing a will is particularly recommended in the case of complicated family or financial circumstances

– or if you want to ensure a smooth distribution of your estate among the heirs or other beneficiaries.

My offer

Do you need an executor of your will you can trust and who has the appropriate qualifications? I would be happy to take on this highly personal role for you.

Your benefits

My certification by the Working Group for the Execution of Wills and Wealth Management (Arbeitsgemeinschaft Testamentsvollstreckung und Vermögenssorge e.V.) and my experience and knowledge as an auditor and mediator give me an excellent foundation.

Trust and competence

Execution of a will is a sensitive subject. As the bequeather, you must be able to trust me absolutely as the executor: my professional skills, my sense of responsibility, my credibility, and my way of working – which must be thorough and reliable. I also see it as my responsibility to win the trust of the heirs and all those affected by the execution of a will.

My task

My tasks include, above all, the preparation of the list of estates, the settlement of liabilities, the execution of your testamentary dispositions (e.g. legacies, conditions and division order), the settlement of inheritance tax, and the distribution of the estate among your heirs (execution). If it is your wish, I will also administer the estate for a period of time (long-term execution). Other types of executorship are also possible, tailored to fit your needs.

Mediative approach

Sometimes heirs can initially perceive the appointment of an executor as a lack of trust in them by the bequeather. Therefore, it is all the more vital for me to be in good contact with the heirs and to ensure a fair balance of interests and agreement between them. As an executor of your will, I take on a moderating or mediative function. The goal is that after an inheritance, a good relationship between those involved should continue or become possible again.

It is my concern to talk to you well before the inheritance to understand what is important to you. Then I can be an excellent trustee to carry out your wishes.

About me

Michael Groß

- born 1965 in Freiburg im Breisgau
- four siblings
- married, two adult children
- residing in Munich

Professional training and additional qualifications

- Degree in Economics (1991), Albert Ludwigs University Freiburg
- Appointment as Auditor (1998)
- Mediation training with Drs. Gisela und Hans-Georg Mähler (Eidos e.V., 2014)
- Additional training in Cooperative Practice, a method similar to mediation (2017)
- Certified Mediator (since 2018)
- Executor (AGT, since 2018); certified according to the guidelines of the AGT e.V., Bonn

My path

For more than 25 years, my professional focus has been on economic, tax, and legal issues. Meanwhile, it is important to me to look at things from an emotional viewpoint – aside from the factual – since it is often deadlock behavioural patterns, entangled relationships, and unresolved conflicts or systemic inconsistencies that make it difficult to resolve factual issues.

Today I am interested in people from a holistic viewpoint – level-headed, with heart, mind and feelings. That's why I became a mediator: In a mediation, not only the issue to be resolved has relevance, but also the "person as a whole".

My conviction

I full heartedly believe, a sense for what is most important to a person increases with age. They become more and more aware that their lifetime and creative power are limited. This becomes more apparent when it comes to your estate – inheritance or succession. As a rule, people don't wish to leave their family in a quarrel or cause one through their estate. Instead, they want to pass on something that has been meaningful to them throughout their life.

My motto

"Do what you wish you had done when your time here is over" – I'm driven by this motto. I have great respect for the path that older people have taken, all of their life experiences and achievements. That is what motivates me to support them when it comes to passing some of that experience and achievement to their offspring, and facilitating an understanding between generations. So, I get to the bottom of things. I'm interested in the "big picture": who and what is related to each other, and what dependencies result from this.

I also enjoy working in interdisciplinary teams. I am happy to call upon external expertise from a broad network when I hit a roadblock.

My goal

What do I wish for? To do what fits me, my personality, and my own development: supporting and accompanying people and their families on the challenging path through change and new beginnings.

Work experience

1991–2002 (employed): Audit and preparation of individual and consolidated financial statements, and special topics (e.g. due diligence reviews, business valuation)

- Most recently as Audit Manager and Authorised Signatory for Haarmann, Hemmelrath & Partner GmbH Lawyers, Auditors, Tax Accountants (working in London for five months)
- Head of Accounting for HOT Networks AG, the former holding company of an international group for home shopping, travel shopping, and interactive entertainment via television and internet

Since 2002 (self-employed):

- Mainly in corporate taxes, accounting, preparation of individual and consolidated financial statements, interim management, and special issues (e.g. liquidations)

Since 2017

- Portfolio expanded to include mediation and inheritance issues

Corporate clients – a selection

- Home Shopping Europe – Group
- IAC/InterActiveCorp – Group
- ResMed – Group
- Beta Film GmbH
- Deloitte GmbH – Auditing company
- Graf Kanitz, Schüppen & Partner – Lawyers, Auditors, and Tax Consultants

Trainings – a selection

In the areas of accounting, taxes, and law

In the field of mediation

- Mediation competencies for companies and organisations
- Mediation and leadership

- Basics of family law
- Advanced training in psychodynamically sound mediation and cooperative practice

In the area of executorship:

- AGT Workshop: Practical problems in the execution of wills
- German Executor Day
- AGT special conference: "The Disability Testament."
- Contingency planning for entrepreneurs

Volunteer Engagement

- Church administration of a Catholic parish
- Food distribution at the Münchner Tafel e.V./Caritas

Memberships

- Chamber of Auditors
- Institute of Public Accountants in Germany (Institut der Wirtschaftsprüfer in Deutschland e.V.)
- Federal Association MEDIATION (Bundesverband MEDIATION e.V.)
- Mediation Committee in the Evang.-Luth. Church of Bavaria (Arbeitsgemeinschaft Mediation in der Evang.-Luth. Kirche Bayerns)
- Association of the German Foundation of Meditation (Förderverein der Deutschen Stiftung Mediation e.V.)
- Center for Mediation
- Working Group on Will Execution and Wealth Management (Arbeitsgemeinschaft Testamentsvollstreckung und Vermögenssorge e.V. (AGT))
- Listed in mediator pool of the IHK for Munich and Upper Bavaria

Contact

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