

# Mediation

Mediation is a form of alternate dispute resolution (ADR). It is a process in which a neutral third-party helps to resolve a dispute between two or more other parties. It is a less adversarial approach to conflict resolution and the goal is to reach a settlement that resolves the dispute in a manner that is agreeable to all parties involved.

Unlike arbitration, where the intermediary listens to the arguments of both sides and then makes a decision binding on the disputants, the role of a trained mediator is to facilitate communication between the parties, to assist them in focusing on the real issues of the conflict, and generate options that meet the interests or needs of all relevant parties. Mediation is an effort to resolve conflict that is accepted and owned by the parties involved.

Public awareness of mediation as an alternative to litigation is growing. However not all disputes can be mediated. Disputing parties usually seek out mediation because they are ready to work toward a resolution of their conflict. Once the parties indicate they have an interest in resolving their dispute and agree to the mediation process, a skillful mediator can help resolve the conflict more quickly and less expensively than going to court. Additionally confidentiality in mediation is protected by law so resolutions can be handled with privacy and dignity. There are very few situations in which a court can force disclosure of what happens in the mediation.

If the mediation is not successful and the parties do not settle, the key issues involved will likely be clearly identified. The parties are still able to take legal action to resolve the dispute. In this case, the parties will have benefited from early discovery, early witness evaluation and simplified preparation for trial, which may significantly reduce litigation costs.

As always, should you have any questions or comments concerning this or other matters, please feel free to contact us.

Sincerely,



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