

## HOW MEDIATION CAN HELP YOU

### 1. CAN PRODUCE MORE SATISFYING RESULTS

- \* Help settle the dispute much sooner than trial
- \* Permit a mutually acceptable solution – a solution that a court may not have the power to order
- \* Save time and money
- \* Preserve ongoing relationships
- \* Increase satisfaction and result in greater likelihood of a lasting resolution

### 2. ALLOWS MORE FLEXIBILITY, CONTROL AND PARTICIPATION

- \* In formal litigation, the court is limited in the procedures it must follow and the remedies it may award; submitting a case to a judge or jury can be extremely risky.
- \* Mediation is more flexible; permit parties to participate more fully and in a wider range of ways; provides more control by providing opportunities to
  - \* Tailor procedures used to seek a resolution
  - \* Broaden the interests taken into consideration
  - \* Fashion a creative solution that may not be available to the court
  - \* Protect confidentiality
  - \* Eliminate the risk of litigation

### **3. ENABLE A BETTER UNDERSTANDING OF THE CASE**

- \* In formal litigation, sometimes the parties stop communicating directly – and it is only after a significant amount of time and expensive discovery or motions that the parties understand what really is in dispute.
- \* Mediation gives the parties access to information
- \* Mediation improves justice by helping the parties obtain a better understanding of their case early on.
  - \* Provides an opportunity for clients to communicate their views directly and informally
  - \* Helps the parties get to the core of the case and identify the disputed issues
  - \* Enhance the parties understanding of the relevant law and evidence and the strengths and weaknesses of their positions
  - \* Help parties agree to exchange key information directly

### **4. REDUCES HOSTILITY**

- \* Due to its adversarial nature, litigation sometimes increases the level of hostility between sides, which can make communication more difficult and impede chances for settlement.
- \* By contrast, mediation can improve the quality and tone of communication between parties
- \* Decrease hostility between clients and between lawyers
- \* Reduce the risk that parties will give up on settlement efforts