



LANIER &
PAGEL, LLP

ATTORNEYS AT LAW

FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION

Q: What exactly is mediation?

A: Mediation is a confidential process in which parties in dispute meet with a specially-trained, neutral and impartial third party (the mediator) who assists them in working towards a solution that will be acceptable to all parties.

Q: Is the mediator like a judge?

A: No. The mediator will not declare a “winner” or a “loser” or decide legal issues.

Q: What if mediation doesn't work? Can the mediator force me to accept an agreement that I don't like?

A: No. The mediator is there to help the parties figure out a solution that everyone is satisfied with. The mediator cannot coerce a settlement.

Q: Does mediation always work? Is it guaranteed to keep me out of court?

A: Unfortunately, no. How well mediation works depends on how committed the parties are to finding a solution. Sometimes mediation fails completely. Sometimes some issues are resolved and others are not. Each mediation is unique.

Q: What if we reach an agreement. Can I change my mind later? What if the other party won't follow through on the agreement?

A: At the end of the mediation, the mediator will put the agreement in writing which all parties will sign. The agreement is then enforceable as a contract.

Q: Do I have to have a lawyer with me at mediation?

A: No, a lawyer is not necessary. But since the mediator, **EVEN IF S/HE IS A LICENSED ATTORNEY**, cannot give you legal advice, you may wish to have a lawyer with you to help you make legal decisions.

Q: How long will mediation take?

A: It depends on the individual situation. Usually, a mediation can be completed within one day. Many mediations take less time.

Q: How much does mediation cost?

A: Compared to the cost of a law suit, mediation is extremely inexpensive. At Lanier & Pagel, mediation services start at \$75.00 per hour, per party. Flat fees are also available.

Q: What if I don't want to go to mediation? Can I be forced to participate?

A: Some contracts include a requirement that any disputes must go to mediation. Sometimes a court will order mediation prior to a trial or hearing. In these cases, yes, you must attend mediation. Otherwise, all parties must agree to mediation.

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