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ATTORNEYS AT LAW

## WHAT IS MEDIATION?

If you have ever been a family member, had a friend, had co-workers, done business, or had a conversation, you have had a disagreement. We don't usually think about it, because most disagreements are worked out quickly and easily. You and the other party will talk about the disagreement, figure out what options you have, and come up with a compromise.

Occasionally, a disagreement is so complicated or emotions are so intense that the two parties cannot work it out on their own. That's where mediation can help.

In mediation, a neutral third party—the mediator—sits down with the disputing parties. Each person has a chance to explain his or her “side.” Then the mediator helps you come to an understanding. The mediator will help you to understand the other person's point of view and guide you in negotiating a compromise.

The important part of mediation is that the mediator does not decide the outcome—you and the other person do. Because the solution is one that you come up with together, both parties are committed to making it work.

## WHY SHOULD YOU MEDIATE?

1. The object of the process is not win or lose—it is compromise.
2. Mediation saves time and money, compared to the time and money involved when a dispute must be settled through the court system.
3. The parties participate in the solution.
4. Mediation offers more opportunity for creative solutions.
5. More flexibility in both the process and the results.
6. Mediation is not binding. If you cannot come to an agreement, even with the help of a mediator, you walk away. You will not be forced to accept a solution that is unacceptable to you.
7. Mediation is completely confidential. Anything discussed in mediation remains in the mediator's office—it cannot be brought up later in court.
8. Unless the mediation is ordered by the court or required by an existing contract, both parties must agree to mediate. That means that both are committed to finding a solution.
9. Conflict can be destructive and costly or, through mediation, a catalyst for progress and growth.