

# 7 Benefits of Using Mediation When Involved in a Civil Dispute



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# Pro-Active Mediation

Solving Problems Together

## Welcome

*I am honored and pleased to share my experience and skills as you explore ways to solve a problem or end a dispute.*



Although dispute resolution is not generally a part of law school education, I was drawn to mediation as an alternative to trial and judgment from the beginning of my legal career. Representing parties in personal injury actions, lawsuits against professionals and companies and family matters, I have seen firsthand how the judicial court system can cause pain to persist, relationships to be torpedoed and money to be spent while the process grinds through months – even years – of anger and disappointment. Participating in mediation on behalf of my clients quickly taught me that there is a better alternative.

Serving as a settlement conference officer for the Superior Court over the past 15 years, I have helped parties to reach resolution of hundreds of civil matters in a wide range of cases. In addition to my “hands on” experience, I have obtained certification in mediation skills, including those specifically needed by adult families with aging relatives, parties to civil appeals and universal negotiation techniques. My training and experience has convinced me that whether a suit or dispute results from contract performance, a real estate transaction, employment action, auto accident or professional services, these principles remain constant:

Mediation permits parties to preserve valued relationships.

A skilled neutral keeps the focus on the parties’ goals

Resolving a crisis removes tension and fear from daily life

Mediation takes less time, and costs far less in money and stress than lingering anger or litigation.

*I look forward to the opportunity to bring my decades of experience as a lawyer and my passion for the process of resolution to provide you with a MEDIATION or ARBITRATION that will bring you peace of mind.*

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Mediation is an excellent alternative to traditional courtroom litigation for those involved in civil disputes. During mediation, a third party neutral, called the mediator, meets with the parties to discuss their positions in the case. Through brainstorming and open conversations, the mediator will help the parties reach middle ground on the issues in their dispute. Mediation has been successful even in the most contested civil cases.

## 1. You preserve valued relationships: the collaborative process makes it possible to retain respectful and loving communication



The goal of mediation is settlement. In contrast, a courtroom trial focuses on a “winner” and a “loser.” After all of the fighting and finger pointing that occurs in a trial, the parties’ relationship is often destroyed. However, when the parties work together to actively resolve their dispute, their relationship is preserved—and often strengthened.

## 2. You are helped by a skilled neutral: a mediator knows how to guide the discussion and keep your goals in focus

The mediator’s role is to assist the parties with their negotiations. The mediator will discuss each party’s requests and concerns with them, and will then help the parties determine ways to compromise. The mediator helps the parties remain objective, often by pointing out the strengths and weaknesses in the case. This will help the parties be realistic as they work toward settling the case. Even if it seems like the parties have hit a roadblock in their negotiations, a skilled mediator will help the parties overcome it and move forward.

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### 3. You find peace of mind: resolving a crisis to rest removes tension and fear from your daily life

Civil litigation can drag on for years. Trials are often not scheduled in a case until at least a year after it has been filed, and a case may not even be filed until a year or so after an incident has occurred. The parties are stressed and anxious while waiting for the litigation to end. Mediation, however, can be scheduled quickly—even before a lawsuit has been filed. The parties may meet with a mediator as soon as they like to resolve their case and move on with their lives—often saving them years of anguish.

### 4. You are in control of the outcome: the participating parties are the ultimate decision-makers



At the end of a trial, it is entirely possible to have the judge decide every issue in your case in the exact opposite manner that you would have hoped. Although a trial judge makes a decision on behalf of the parties, a mediator does not decide the outcome of any issue in the case. Instead, the mediator helps the parties determine how they would like to settle their dispute. Therefore, the parties are in complete control of the outcome of their case. Any settlement is the result of the agreement of the parties.

### 5. You share the commitment: all of the participants contribute to the process

The mediator takes the time to meet with each party in the case to discuss what they would like to have in a settlement agreement. The mediator will convey messages from one party to another so that each party is aware of the progress that needs to be made. It is each party's duty to be open and honest with the mediator about the case so that the mediator can help the parties achieve a settlement that works for everyone.

### 6. You save money: mediation takes less time, and costs far less than lingering anger or litigation

Litigation expenses can add up quickly. In many civil cases, attorneys charge hourly for their representation. It is not uncommon for many skilled attorneys to charge over \$200 an hour for their legal services. This billable rate applies to every email, letter, phone call, court appearance, and other tasks that must be performed in your case. In especially contested cases that last several years, the parties can spend thousands of dollars on legal fees.

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To prepare for a trial, attorneys must often consult with expert witnesses, travel to out of state depositions, create courtroom exhibits, and copy thousands of documents. All of these expenses will be the client's responsibility, adding several thousand dollars to the bill.

In contrast, mediation can be scheduled as soon as the parties and the mediator can coordinate their schedules. Mediators typically charge no more than a few thousand dollars for their services, which is a fraction of the expenses a trial may incur. Since the parties save a great deal of time and money, they experience less stress overall throughout their dispute.

## **7. You maintain privacy: discussions at mediation will remain confidential to the end of the case.**

Mediators cannot be called to testify at a trial in the same case, and discussions that occur in mediation cannot be used by one party against another if some issues remain unresolved and must go to trial. This is so that the parties can have candid settlement discussions with the mediator without risk of it harming their case. Unless the parties choose to tell others what was discussed at mediation, it will never be revealed.

Courtroom trials, however, are typically public events. This means that any member of the public can observe your trial. Many counties also post court documents online, meaning that anyone can search for your case and browse through its legal documents—a thought that makes many people cringe.

*Are you involved in a civil dispute? Using mediation instead of seeking assistance from the courts can save you time, money, and stress. Anna Niemann is a trained mediator with experience in various areas of law. To contact Anna to discuss your options, give her a call at 916-799-4675 or email her at [anna.niemann001@gmail.com](mailto:anna.niemann001@gmail.com).*

## **Share this eBook:**



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