

SEVEN BENEFITS TO USING  
**CIVIL MEDIATION**  
INSTEAD OF LITIGATION



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# Welcome



I appreciate you considering me as a potential mediator of your dispute. As your mediator I will work hard to help you resolve your case in a cost efficient manner.

As a litigator for over 25 years, and a mediator for the past 10 years, I have handled contract disputes, construction disputes, employment issues, personal injury/negligence matters and probate cases both in court as an attorney representing one of the parties and as a mediator in a mediation. I have also taken a week long mediator training course to hone my skills and to learn additional tactics to help me get cases resolved.

I have found mediation to be a satisfying process for the parties to resolve their disputes. Each side has the opportunity to tell the other side directly their position. It also provides the chance for the mediator, who is a neutral third party, to point out the strengths and weaknesses of your case. Most importantly, mediation allows the parties to control the outcome of their case. That control just isn't possible when the dispute is submitted to a judge, jury or arbitrator.

I look forward to helping you to resolve your dispute.

Brent



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# Seven Benefits to Using Civil Mediation Instead of Litigation



Disputes are never easy and when civil disputes escalate to the point of requiring legal guidance, things can really get out of control. Unfortunately, this happens frequently and business and personal relationships are destroyed for no reason. There is an alternative to the traditional method of settling legal disputes and many find it to be far more beneficial than litigation. Instead of heading to the courtroom, disputing parties can use civil mediation to find a resolution. There are several things that make civil mediation more beneficial than litigation.

## 1 Civil Mediation is Not as Expensive as Litigation

One of the most appealing aspects of mediation is that it costs less than traditional litigation. Though people benefit in many other ways, this is often what triggers them to try mediation in the first place. Settling an issue in the court system is expensive and it often occurs at a time when other expenses in life are high. Mediation provides a legally sound option that does not cost as much as litigation. Though disputing parties can work with attorneys and still save, in some cases the only cost associated with mediation is the mediator's fee.

## 2 Civil Mediation Gives Control to Disputing Parties

When an issue is settled in court, the judge or jury is given the final say. Both parties have the opportunity to present their side of things, but in the end, someone else is given control of the resolution. In mediation, it is the disputing parties that create the details of the resolution. In order for mediation to be successful, both must agree to the terms of the outcome and in most cases, the resolution is mutually beneficial. Having control over a dispute and how it is resolved is extremely appealing and the reason why many choose civil mediation.

## 3 Civil Mediation Promotes Effective Communication

The cornerstone of a successful mediation is communication. The mediator is not permitted to give legal advice and is not responsible for the details of the resolution, but he or she must be able to facilitate effective communication for there



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to be a successful outcome. Encouraging both sides to see the benefits of various solutions and helping each person put aside his or her ego for the greater good is one of the most important qualities a mediator can have. Mediation requires a great deal of compromise and mediators work with disputing parties to achieve this compromise. Through individual and joint discussions, mediation allows disputing parties to work through a problem and find an effective solution.

## 4 Civil Mediation is Confidential

Traditional litigation drags the private details of a situation into the courtroom and makes them a matter of public record. Not only is this invasive, it can damage a person or business. Civil mediation avoids this problem because all of the details of the process are confidential. Though the final outcome might be a matter of public record, all of the discussions and details related to the process remain private. And if mediation is not successful, any of the things said during the mediation discussion cannot be used against anyone in litigation.

## 5 Civil Mediation is Efficient

Settling a dispute in court can take months and in some cases, an issue is not resolved for years. In mediation, both parties are responsible for much of the work that would otherwise be handled by their attorneys. This means there is no discovery phase and it is in everyone's best interest to be open and honest with information. This cuts down on the time it takes to settle disputes and allows everyone to return to their normal lives as quickly as possible.

## 6 Civil Mediation Humanizes Disputes

Mediation brings both parties involved in a dispute into the same room to discuss an issue. For some, this provides an opportunity to share their feelings about the situation and "get things off their chest." It can also provide an opportunity for one side to apologize to the other, if appropriate. Not only does mediation provide a nuts-and-bolts resolution, it also allows people to put aside their differences and find emotional closure in a situation.





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## 7 Civil Mediation Makes it Possible to Continue a Relationship

Mediation is about communication and promoting a civilized method for working through a dispute. It gives control to those involved in the dispute and allows them to find a solution that works for everyone involved. In addition to being less expensive and less time-consuming, mediation also makes it possible to truly resolve a problem and move forward with a relationship. Instead of walking away from a dispute feeling bitter and resentful, those involved in mediation can use what they learned to create a better relationship in the long-run. This is not always appropriate or necessary, but for situations in which it would be beneficial to continue a relationship, mediation makes it possible.

If you would like to know more about civil mediation or you believe civil mediation might offer a solution to your legal issues, Brenton Soderstrum and the attorneys at Brown Winick can help. Mr. Soderstrum is involved in all aspects of employment litigation issues for his business clients. This includes a great deal of experience in the construction industry that ranges from negotiating contracts and job-site safety issues to employment issues to dispute resolution through mediation, arbitration or litigation.

To speak with Mr. Soderstrum or to schedule a consultation to discuss your issue, call him at 515.242.2474 or contact him by email at [soderstrum@brownwinick.com](mailto:soderstrum@brownwinick.com).



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