

Resolving Conflict Through

Mediation



Mann Law Firm PLLC

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WELCOME



Thank you for considering me to mediate the conflict that involves you or your client. I look forward to helping resolve your case.

My policy is that the case belongs to the parties as does the possibility of a meaningful settlement. My job is to work with both of the parties to find a resolution. Every individual case is unique, and while not all cases can be settled, your case will not be treated like it is "just another case."

Mediation can sometimes be harder work than taking a case to trial; however, the rewards can be much greater, and the results can last much longer.

I look forward to assisting you with reaching a resolution in your matter. If you have any questions, please feel free to call or send me an email.

Best regards,

David Aaron DeSoto

Mediator and Attorney at Law

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Mission Statement of Mann Law Firm PLLC

Our mission is to provide excellent legal services through advocacy, education, and attention to detail. We will approach our work with integrity, innovation, and earnestness with the understanding that our words, deeds, and actions must reflect well upon our profession.



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What is a Conflict? What is a Dispute?

There is a distinction between the definition of “conflict” and “dispute”. Disputes are disagreements that are usually short-term and relatively easy to resolve. Conflicts, on the other hand, are usually deeply rooted disputes that appear resistant to resolution.

Disputes are, unfortunately, often unintentionally elevated into conflicts. Sometimes this happens when a dispute is left unattended or is ignored. Sometimes this happens when a dispute receives too much attention and grows with each waking thought.

Conflict is not a desirable possession, but it is a possession nonetheless. Like any possession, it must be stored somewhere. Some people will store it in their hearts, others will store it their mind, and yet others in their wallets. Unless resolved or, at a minimum, examined and understood, conflict has a tendency to grow. This growth, in turn, reduces the space available in the heart, mind, and wallet.

Given the choice, most people would rather have a dispute instead of a conflict. Most people would rather have their dispute settled than left ignored with the possibility that it may develop into a conflict. Once grown into a conflict, it can be difficult to dislodge the roots of the dispute without the help of extra hands.

What is Civil Mediation?

Civil Mediation is a process in which the parties have an opportunity to discuss their issues with a mediator to see if an agreement can be reached. While discussing the issues, the parties can have an open discourse without the hindrances of courtroom objections or the concern that a jury may be biased against them. Mediation is fundamentally an assisted settlement negotiation, and the proceedings are private. If an agreement is reached during the mediation process, the parties will enter into a binding written agreement.



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What Kind of Cases Can Mediation Help Resolve?

Mediation can assist in the resolution of a broad range of civil issues involving, but not limited to, the following areas:

- ✓ landlord / tenant
- ✓ automobile accidents
- ✓ debt collection
- ✓ business
- ✓ mortgage litigation
- ✓ credit card lawsuits
- ✓ residential and commercial real estate
- ✓ contracts
- ✓ employment
- ✓ discord between family members and spouses
- ✓ bankruptcy and post-bankruptcy
- ✓ child support and child custody
- ✓ marital property division
- ✓ consumer / merchant

Note: Mediation cannot help resolve criminal cases.

What Does a Mediator Do?

Mediators are neutral third parties who are trained to facilitate settlement negotiations between the parties. In Texas, mediators must meet the educational requirements of Chapter 154.052(a) Texas Civil Practice and Remedies Code to handle civil disputes and additional education requirements under Chapter 154.052(b) to mediate domestic relations matters. A mediator will not impose a settlement upon anyone and may not act as an advocate for or render legal advice to any party. The parties remain responsible for achieving their own mutually acceptable agreement.



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How Does Mediation Work?

Each mediation is unique, but as a general rule, the process can be broken down into six steps. The mediator will open the session with introductory remarks after which the parties will each have an opportunity to express their viewpoint in the matter. The mediator will then begin gathering more detailed information from the parties and assist the parties with identifying the issues and any obstacles that may have previously hindered settlement. The negotiation process then commences, and the mediator will explore different options with the parties. Once the parties have reached an agreement, a binding written agreement will be drafted and signed by the parties.

What Are The Benefits of Mediation?

Participants in mediation report higher satisfaction rates than those whose cases are resolved through the litigation process. People take pride in their accomplishments. Working through and bringing to a close any dispute that has risen to such a contested level is indeed an accomplishment. Because the parties have a direct hand in determining the outcome and the peace they have created, they are often more likely to hold up their end of the bargain.

1

You Can Keep Relationships (and Yourself) Intact

Mediation assists with continuing relationships. Conflicts often arise between family members, coworkers, partners, neighbors, and other people with which the parties will have to continue to interact on a regular basis. Unresolved disputes, and the hostility or expense of litigation, can damage these relationships or end them altogether. Mediation allows the parties to focus on the problem instead of the people. In this way, mediation helps parties to cooperatively conclude conflicts and continue cordial communication between each other.



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2

You Have Control Over the Outcome



In mediation, the parties control the outcome. The conflict is something that the parties possess together, and mediation allows the parties to resolve the problem together. In litigation, one side will often leave the courthouse happy, the other side not so happy, and both parties can end up continuing the conflict in the event of an appeal or post-judgment collection. At trial, a judge or jury will decide the fate of the parties. In mediation, the parties can work together towards a mutually agreeable outcome. Resolution through mediation also allows the parties to put the matter to rest without worry that the issues will need to be revisited on appeal.

3

You Can Speed Things Up

Mediation is faster than going to trial. Depending on the type of case, years may pass before a matter is heard by a judge or jury. Resolution through mediation can occur in a matter of hours or in multiple sessions as needed by the parties.



Most people want to avoid conflict. In order to avoid confronting the cause of the conflict or the consequences brought about by the conflict, some people may be willing to go through the litigation process even though the delay may result in additional expenses, loss of time from work, or unnecessary stress at home. The truth is that once conflict arises it must be dealt with in one manner or another. Mediation gives parties the means to discuss the conflict so that they may reach a solution and move forward with their business or personal life.



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You Can Address the Problem Instead of the Emotions



Mediation assists the parties in focusing on the problem instead of one another. Parties are encouraged to openly discuss the issues so that the problems can be identified and potential solutions can be viewed from as many angles as possible.

5

You Can Reduce Cost



Mediation costs less than taking a case through the legal process. The litigation process is expensive. There are filing fees, service fees, and attorneys' fees. Pre-trial discovery, which is the process whereby litigants serve requests for documents on each other and take depositions so that each side can try and figure out what the other side's story is, can be expensive and stressful. Along the way to trial, there can be a number of hearings on various motions or objections.

By the day of trial, the parties have sometimes spent so much money that they cannot afford to settle and instead take a loss. The costs of litigation can exceed the benefits and can make it more difficult for one party to repay the other party, repair whatever item has been damaged, or begin the process of resolution. Mediation can allow the parties to commit their resources to resolving the problem instead of absorbing the cost of protracted litigation and appeals.



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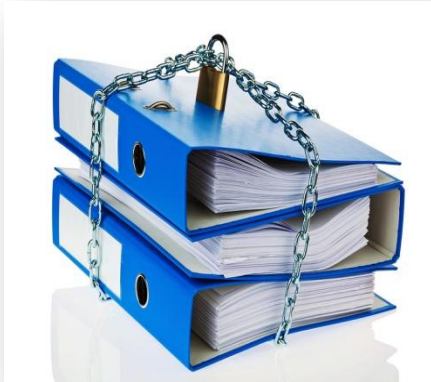


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You Can Protect Your Privacy



Most court cases are a matter of public record, which means that the documents filed in the lawsuit can be viewed on the internet for years to come. If the matter proceeds to trial, the testimony of the parties may be heard in a courtroom that is open to the public. For some parties, there is also the concern that the media may report the progress or outcome of the case. Mediation is private. What happens during the mediation is confidential, as is the outcome.

7

You Can Roll Up Your Sleeves and Get to Work

The mediation process will take place in an atmosphere that is less intimidating and less formal than a courtroom or a deposition. The parties are not allowed to record the mediation by video or audio, and this allows the parties to speak more openly. Unlike a court proceeding where the parties are testifying before a judge or jury that will decide the outcome, mediation allows parties to communicate directly between one another or through the mediator so that the parties may jointly decide the outcome. Mediation is not governed by strict rules of procedure, which allows the parties to exercise candor and creativity on the pathway to finding the best agreement.



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RULES YOU NEED TO KNOW

In order for the mediation process to work, it is necessary that:

All parties and their counsel must commit to give their best good faith efforts to resolve the case by agreement, if possible.

Adequate time must be allocated for the process. Most mediations are scheduled for a period of four hours. More complex matters can require a whole day. In some instances, additional sessions are necessary.

All individuals who are parties to the case or controversy must be present for the entire process. Any party who is not an individual (i.e., corporations, partnerships) must be present through an officer or other representative (not counsel) who has authority to negotiate a settlement. If a non-party insurance company has control over settlement within policy limits for an insured party, the insurance company should also be present through a representative with authority to settle within the policy limits. In the event that an officer or representative wishes to appear by telephone, all parties must agree that the officer or representative may appear by telephone, and the mediator must be notified prior to the mediation date.



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David Aaron DeSoto has been practicing law since 1994, focusing on bankruptcies, evictions, foreclosures, debt collection matters, general business litigation, and issues related to mortgage loan servicing. He is a Certified Mediator who has met the requirements of Chapter 154.052(a) and (b) of the Texas Civil Practice and Remedies Code, is credentialed by the Texas Mediator Credentialing Association, and is also a member of the Houston Chapter of the Association for Conflict Resolution.

A graduate of Texas Tech University School of Law, David has built a strong reputation as a dedicated community servant, serving as a volunteer mediator with the Houston Dispute Resolution Center and frequently mediating on a volunteer basis in the Harris County Justice of the Peace Courts.

June A. Mann received her B.S. from the University of Texas and her J.D. from the University of Houston Law Center. Her practice has been focused on bankruptcies, evictions, foreclosures, debt collection matters, general business litigation, and issues related to mortgage loan servicing. She is a Certified Mediator who has met the requirements of Chapter 154.052 (a) and (b) of the Texas Civil Practice and Remedies Code, is credentialed by the Texas Mediator Credentialing Association, and is also a member of the Houston Chapter of the Association for Conflict Resolution.

June has built a reputation as a dedicated community servant, serving as a volunteer mediator with the Houston Dispute Resolution Center and frequently mediating on a volunteer basis in the Harris County Justice of the Peace Courts.

About Our Mediators

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