



MADISON

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Five Benefits of Mediation

Alternative Dispute Resolution (ADR) is a technique that acts as a means for disagreeing parties to come to an agreement. Mediation is a form of ADR where a neutral third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. Mediation allows each side to communicate their views of the conflict to the other side, and to gain a better understanding of how the other side views the problem. The mediator does not decide who is right or wrong or issue a decision. Instead, the mediator helps the parties work out their own solutions to problems.

While once considered controversial in particularly contentious cases, the benefits of Mediation clearly outweigh following an alternative path.

Cost

Litigation and court cost can be very expensive. While on average a case handled through mediation takes less than 3 months, a case going through the proper legal channels can last for years. During this time, attorney and court fees can leave your bank account devastated.

Confidentiality

With only a few exceptions, what you say during mediation cannot legally be revealed outside the mediation proceedings or used later in a court of law. Confidentiality in mediation has such importance that the legal system cannot force a mediator to testify in court as to the content or progress of mediation.

Mutuality

Mediation allows people to resolve the charge in a friendly way. Particularly valuable is when your dispute involves another person with whom you need to remain on good terms. Lawsuits can ruin relationships, so an advantage of mediation is its ability to get a dispute resolved without destroying a relationship.

Control

In litigation, there is a greater chance that the outcome might be unfavorable because control lies with the judge or the jury. In mediation, the parties control the outcome, which in turn helps both parties reach an outcome that satisfies both.

Compliance

The mediated agreement is fully enforceable in a court of law. Agreements reached through mediation are more likely to be carried out than those imposed by a judge because both parties mutually agreed to them. Studies show that people who reach an agreement mutually will not look for ways to violate the agreement.

