

BENEFITS OF MEDIATION

Mediation gives the parties *control over the outcome*. In litigation, the parties surrender control over their case to others: lawyers, expert witnesses, juries and judges. These people collectively determine the “winner” and “loser” according to a complicated and rigid set of rules. In mediation, the parties have complete control over the terms of their negotiated agreement.

Mediation *saves time and money*. A court case can take years to complete; a mediation can be scheduled and completed in a few weeks and the mediation itself is typically a day or less. A one-day mediation costs no more – and likely less – than a day-long expert witness deposition. Mediation expense represents a tiny fraction of the cost of taking a case to court.

Mediation is *confidential*. Court rules assure that what happens in mediation is totally confidential and will not be discoverable or admissible in a case at a later point. This encourages the parties to explore all possible forms of settlements and even allows them the safety of conceding weaknesses in their case. Parties will not normally share truly sensitive or confidential information nor offer an apology unless they are confident that this will be protected.

Mediation is a *low risk/low cost opportunity to settle the case*. Parties invest only their time and the expense of the mediation – if the case settles, the return on the investment is dramatic. If the case doesn’t settle, the confidentiality of mediation preserves the parties’ claims and defenses for them in litigation.

Mediation allows the parties to *preserve relationships*. The parties can structure a settlement that serves the interests of all the parties and can allow them to preserve relationships. The Creative solutions can be achieved that “expand the pie”, avoiding the win-lose outcome that will result from a court decision.