



# Seven Benefits of Using Civil Mediation



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# Welcome



Welcome to my mediation.com e-book.

Exploring mediation means you are interested in finding a solution to a difficult problem. Mediation gives you the opportunity to create your own solution.

Litigation leads to a trial – a mechanism in which the resolution of your dispute is in the hands of strangers, a judge or jury.

My goal as a mediator is to be an effective, efficient facilitator. My responsibility is to understand and summarize issues, encourage candid discussion, state my opinions (when requested), and do my best to lead the parties to a solution to their difficult problem.

Mediation works. If the parties, and the mediator, are diligent and determined to find a solution, more often than not, the parties will reach the finish line and a reasonable, acceptable solution will be achieved.

The cost savings of mediation compared to litigation is well known. The high cost of preparing even a relatively simple case for trial is very high. Mediation offers a cost effective way to solve your problem which, by definition, is a problem from the past and to enable you to concentrate on today's work and plan for tomorrow.

Solid preparation is essential in any mediation. This preparation includes a realistic review of the financial best case and worst case outcomes of your case and charting a path to solution.

The size of a dispute does not determine the importance to the parties. Every case is significant or you would not have taken the time and energy to look to a third-party to help in finding a resolution.

I have over 30 years of experience in dealing with a wide variety of business problems. I would be happy to work with you to find a solution to your dispute.

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Mediation, sometimes called Alternative Dispute Resolution or “ADR”, is an option available to disputing parties who want to resolve an issue without pursuing formal litigation. Civil mediation provides both sides of a dispute a role in reaching the final solution to a dispute.

## What are the benefits of using civil mediation?

### 1. Saves Money.

The most notable benefit of selecting mediation over traditional litigation is less cost. Disputing parties avoid court fees and costs. They can also avoid or minimize the high cost of legal representation. Although legal representation is an option, it is not essential in mediation. In some cases, disputing parties come to the mediation process without legal representation, speak on their own behalf, and find a solution to the dispute. In this circumstance, the only fee would be that paid to the mediator for facilitating the process. Mediation is one of the least expensive methods to solve disputes.

### 2. Saves Time.

Mediation saves money because it takes less time than litigation. The litigation process, including trial, is time consuming. Disputing parties must pay their attorneys to build a case and prepare for trial.

In addition to saving money by reducing the time invested to reach a resolution, mediation decreases the time spent away from other important personal and business responsibilities. Diverting attention from current business and personal matters is one of the highest costs of litigation. The sooner a dispute is resolved, the faster parties can return to other productive work. Litigation is essentially a backward looking process. Dealing with yesterday's problems prevents us from dealing with today's issues and the potential of tomorrow.

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## 3. Less Formal.

Civil litigation is less formal than litigation. The sessions usually occur in a neutral location, often the mediator's office, and present an opportunity to discuss a dispute in a comfortable environment. The mediator will facilitate the conversation, but there are no courtroom formalities. Less formality puts people at ease and allows them to freely express their opinions and thoughts. Mediation allows the parties to directly create their own solution, and not depend upon a judge or jury to create a solution for them.

## 4. Private Proceedings.

Mediation sessions are private and confidential. The discussion, including all positions taken, cannot be used later if the dispute goes to litigation. An important part of the mediator's job is to create an environment in which all parties feel comfortable and encouraged to speak freely. The confidentiality of the mediation process promotes confident and thoughtful discussions.

Privacy is also essential when dealing with financial disputes and personal relationships. With mediation, there are official public records. In litigation, court filings create public access to information relating to business and personal disputes.

## 5. Parties Select the Mediator.

Disputing parties have control over the selection of the mediator. Mediators are neutral third parties. Both sides must agree on the mediator choice. Mediators are required to inform disputing parties about their experience and mediation style.

Mediators are legally bound to neutrality and confidentiality. The mediator's job is to facilitate communication and assist parties to reach a solution. Mediators are not allowed to give legal advice to parties and are prohibited from taking sides in the dispute.



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## 6. Preserves Relationships.

Mediation can be used for the resolution of business disputes and personal disputes. Often business disputes also involve personal relationships between the disputing parties. The mediation process makes it easier for parties to retain important business and personal relationships while solving a business dispute.

Because the mediation process is about communication and reaching a mutually satisfactory solution, chances are reduced that people walk away from the process feeling cheated or victimized.

## 7. Option to Pursue Litigation.

Mediation does not need to be the final step if either party believes that a solution to a dispute cannot be reached. Litigation remains an option if the dispute persists.

The time and money spent on mediation is not wasted because the evaluation of the dispute and the time spent in discussing the dispute with the mediator can be utilized during the formal litigation process.

All parties should be aware that if a resolution is reached during mediation, the mediation agreement is final and binding and be enforced by the courts.

If you are involved in a dispute in a business or employment situation and you would like to avoid the expense of litigation, mediation is your option.

If you live or work in the Minneapolis and St. Paul area and are in need of an experienced mediator, **George Serdar** can assist. George is an experienced litigator and certified mediator with long experience in dealing with business dispute. His goal is to help you create an environment that facilitates communication and leads to a fair, reasonable, and efficient solution.



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