

THE GROWTH OF MEDIATION

The value of mediation is recognized worldwide, across every culture, industry and circumstance. The practice of mediation is widespread and routine in the United States and growing in leaps and bounds throughout Europe, Africa, the U.K. and Canada.

In countries like Wales and England mediation practices have exploded leaving litigation as the last resort. Courts worldwide see the value of mediation and as a result mediation has become commonplace.

In the early stages of a conflict or dispute, many judges are now intervening by recommending or insisting on mediation instead of litigation. Mediation is not just achieving favor and recognition, it is rapidly becoming a requirement involving many disputes.

Mediation is an incomparable value in our law suit happy culture. The cost of litigation makes mediation a valuable and viable alternative to the costs of court and expensive legal fees. The cost to litigate is frequently disproportionate to the monetary value assigned to the disputes. Not to mention the lost time and the damage to relationships.

The American middle class is rapidly becoming intolerant of their lack of access to the justice system simply due to the enormous cost of litigation. Compared to litigation, mediation costs a fraction and is usually shared between disputants.

The value of mediation extends far beyond the chronic court delays, which are time consuming and nerve racking. Court actions can drag on for many years, with neither party satisfied. Injured disputants are often deprived of finances at a time when they need money the most. Even when parties are victorious in commercial disputes they may win unenforceable judgments against insolvent defendants.

Mediation agreements can be very swift without fear of being driven back into litigation. Civil disputes seldom take more than a day to mediate, and pre-litigation mediation agreements are usually reached in less than a day.

The value of mediation versus litigation is easily quantifiable. Every court action involves much more risk than any case that is mediated. The objective in mediation is to reach a mutually satisfactory agreement between all parties.

Mediation is much less labor intensive than litigation and utilizes fewer resources. Issues like document preparation and required witnesses make mediation a valuable alternative to litigation's enormous costs and all too frequent consequences.

The stress involved in litigation, the possible adverse publicity and the frequent loss of income all serve to make mediation an invaluable tool in conflict resolution. Mediators customarily develop a more cooperative relationship with disputants, which is useful and necessary to assist the parties in reaching a mutually agreeable resolution to their dispute.

Litigation takes the power away from disputants and limits their opinions and points of view. Mediation restores control of the issues in dispute to the parties involved. Tension and conflict are abridged through mediation. Commercial litigation destroys the business relationships of the litigants involved. Mediation seeks to preserve those relationships by reaching an amicable agreement.

Avoiding adverse publicity is another good reason to consider mediation. Mediation is confidential, whereas court proceedings and documents are open and available to the public, by law.

Experienced attorneys will tell you that most non-mediated law suits get settled at the courthouse door after a hurried negotiation filled with stress and pressure. These settlements or agreements have a tendency to be compromises that are far less satisfactory than agreements reached through a thoughtful and less stressful mediation process.

The facts are that far more than nine out of every ten legal disputes will be settled, whether or not a law suit is filed. It makes good sense to utilize a dispute resolution process that is fast, inexpensive and works to preserve relationships when possible.

The advantages and value of mediation are clear. It is the future where conflict resolution is concerned.

For more information on the mediation process please see www.mediationplace.com. There you will find information on procedures and cost. To schedule a mediation, you may either contact Mr. Henslee or use the convenient online scheduling page.

Donald G. Henslee
816 Congress Ave., Suite 800
Austin, Texas 78701-2443
512.708.1804
Fax 512.708.9037
Henslee@mediationplace.com
www.mediationplace.com

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