

## **THE VALUE OF MEDIATION**

Donald G. Henslee, Attorney and Mediator

Mediation is a valuable tool and resource that is exceptionally cost and time effective. The mediation process involves two or more opposing interests searching for a mutually satisfactory agreement.

The use of mediation affords all participating parties an opportunity to take advantage of an extremely effective method to resolve a dispute. The mediation process creates a structured environment that is conducive to exploring avenues of communication that allow each side a chance to articulate their positions and beliefs.

With a neutral mediator possessing confidence and knowledge of the issues, the mediation process respects the facts and considers all other contributory factors to facilitate a satisfactory resolution. Mediators may offer autonomous viewpoints, recommendations and unique methods that contribute to a desired agreement. Mediation demonstrates opportunities that may identify constructive alternatives for disputants.

The mediator is the facilitator. Mediation is not a formal hearing nor is it a judicial inquiry. The process is informal, like a meeting prearranged in an effort to resolve a dispute in a way that can satisfy all parties involved.

Mediation is completely confidential. No information revealed in the mediation process may be discussed outside the mediation environment and used to the detriment of any participating party.

Mediators are prohibited from revealing any information learned in the mediation process, unless they are involved in the mediation. Likewise, the individuals involved in mediation are also expected to respect the confidentiality of the case and participants.

Mediation tends to be quite successful for one primary reason. If mediation fails and participating parties end up on their way to court, those parties know that they may be obligated to await judgment of an authority (the judge and court) not known by either party and governed by formal legal convention.

The mediation process may prevent the parties being forced to accept judgment where neither party is in agreement; seldom a win-win situation. Mediation permits an opportunity to consider many alternatives, some of which may actually permit that win-win resolution.

There are many advantages to mediation:

- Mediation is cost and time effective.
- Using mediation promotes fairness and neutrality – parties have an equal amount of say in the mediation process and there is no assignment of guilt or innocence in mediation.
- Mediation is confidential, requiring all parties to acknowledge a confidentially agreement.
- Mediation is a valuable alternative to court proceedings, especially when litigation is avoided altogether.
- Mediation promotes an environment of problem solving.
- The mediation process enhances communication allowing participating parties an opportunity to discuss their viewpoints in a confidential environment.
- Mediation facilitates the development of solutions derived from sharing information leading to the resolution of the issues.
- An independent survey revealed that more than 95% of all respondents who utilized mediation recommend mediation.

For more information on the mediation process please see [www.mediationplace.com](http://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.

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