

LAW OFFICES OF SARAH J. READ

Negotiation • Mediation • Arbitration

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FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION

What is Mediation?

Mediation is a process that helps people communicate effectively and find ways to resolve issues that are causing conflict. The parties to a mediation are assisted by a neutral 3rd party called a “mediator” who is trained to help the parties talk about their issues, needs, interests and concerns. Mediation is an extremely flexible process that can be tailored to the needs of a specific situation.

What does a mediator do?

The mediator establishes ground rules for discussion and helps the parties to share and articulate information, ideas, feelings and perceptions. Mediators will ask questions, help the parties focus on moving forward, and assist the parties in identifying, evaluating, and choosing options for resolving the dispute. Mediators do not assign blame, take sides, or judge who is right or wrong. They do not provide counseling or legal advice, or make decisions for the parties. They may, however, provide advice and coaching on communication styles.

Why should I use mediation?

It’s a flexible process, that allows you to have more control over the outcome of your dispute. It is also private and often quicker and cheaper than other available methods of resolving a dispute. Because the parties are encouraged to work together in a mediation, the mediation process can help preserve relationships that are under stress as a result of the dispute. Many different surveys have shown that overall party satisfaction with the mediation process is high, especially compared to litigation.

What if I don’t want to settle?

In the mediation process, no one is forced to settle. Mediation sessions can also be structured to allow parties to check with their attorneys or other advisors before agreeing to settle a dispute. If all the parties do not agree on how to resolve their dispute, the mediation will end without an agreement. In general, however, many parties find that the process does lead to an acceptable resolution even if the parties were unable to reach an agreement on their own, before the mediation. Even when no final agreement is reached through the mediation process, parties often find that the mediation process has (i) helped them to better understand the dispute, its causes and the other individuals involved; (ii) reduced the number of issues in dispute; or (iii) helped them learn new skills for working through the remaining issues on their own.

What will it cost to mediate?

The cost of mediation varies, depending on the dispute or the hours involved. Our law office offers both an hourly rate and fixed time and price options. Mediation fees may be paid in full by one party or split between the parties. Payment, or acceptable arrangement for payment, must be made prior to the mediation. Our law office does accept credit cards.