

MEDIATION FACTSHEET

Mediation Offers A Practical Alternative To Protracted Conflict

When the focus is on litigation rather than resolution, prospects for an acceptable outcome often recede from reach. Solutions to conflict require clear and direct communication. *Mediation promotes productive communication* and enhances parties' ability to develop and assess options for a negotiated resolution.

Mediation Is Low Risk and Confidential

In mediation the parties retain ultimate decision-making authority. No party can be bound to an outcome unless there is agreement. Rather, the mediation process invites disputants to assess their options realistically, and offers valuable insight into how other parties may view theirs as well. Under California law, evidence of communications made in the course of mediation is not admissible in any civil action or administrative proceeding, subject to certain limited exceptions. Moreover parties often agree to confidentiality of terms as part of their settlement.

Mediation Is Cost Effective Dispute Management

Parties can schedule a mediation session that suits their timing and management needs and *run an excellent chance of resolving the case*. Mediation expedites the resolution process by helping parties narrow their focus to the most relevant information and inviting them to evaluate their own best interests in realistic terms. Mediation combines efficiencies in fact development with enhanced risk assessment, which enables parties to determine the parameters for a workable agreement.

The Most Important Decision

Once you decide to consider mediation, selection of the mediator is your single most important decision short of deciding the ultimate outcome of the case. You will want an individual who can be a compelling factor in making the mediation as productive as possible for the parties. This requires the skills and experience necessary to engage parties and their counsel in the commitment to achieve a negotiated resolution.