



WHY MEDIATION?

Mediation is intended to lower the cost of litigation by encouraging the parties to reach an agreement as early in the litigation process as possible. One way of achieving this result is to bring the parties together to try to resolve their differences before they become entrenched in their respective positions, which is frequently the result of the adversarial nature of litigation. By having the parties define and explain their interests, the mediator is often able to get the parties to focus on what is important to each of them and, at the least, narrow the issues to be contested. In addition, studies have shown that, even if they had to make compromises from their original position, parties are more likely to be satisfied with an outcome to which they have agreed than one that is dictated to them by a judge, and they are more likely to live up to the terms of their agreement.

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