



The Human Element...

The Elledge Group, Inc.

WHAT CAN I EXPECT WHEN I GO TO MEDIATION?

--by Trish Elledge

Mediation is a confidential process which provides individuals the opportunity to directly address their differences with the other party(ies) involved in a safe, neutral setting. Discussions are facilitated by an impartial third party, which allows for clear communication and amicable resolution. A professional mediator is a trained neutral who helps parties to: communicate; identify their own needs, concerns and underlying issues; look at possible options, and; address any other issues, ideas and emotions that may be integral to the situation at hand.

While skilled mediators are often familiar with psychology, relationship dynamics, relevant laws, financial issues and the legal process, they do not (and may not) offer any legal or financial advice or act as an advocate for any of the parties to the mediation. Mediation is NOT therapy or advising. However, mediators will offer suggestions and generate discussions which explore options and narrow the issues, which often lead to full settlement of the dispute. On one end of the spectrum, mediation is used as a first step in addressing disputes, which helps parties identify and discuss their specific issue(s) and concerns and determine which type, if any, of professional assistance would best serve their needs next. On the other end of the spectrum, courts often order parties who are involved in litigation to attend mediation before a trial date will be set for their case. For many, parties are able to reach mediated agreements that fully resolve their legal cases, thus saving the expense, time, and emotional toll of court trials.

When understandings or agreements are reached through mediation, parties may wish to have them memorialized in a formal document. This document is most often called a "Memorandum of Understanding," "MOU," or "Mediated Agreement." It is signed in a good faith commitment by all parties and, once fully executed, is often submitted to the Court for its approval and order. Once the agreements in the document become an order of the Court, they are fully enforceable under the law.

Mediation is used in a variety of situations including business relationships, family concerns, neighborhood disputes, dissolution of marriage, homeowners association issues, workplace matters, consumer issues, and municipal, county, and district court cases. In short, when conflict or misunderstandings arise, mediation may well be the quickest, most amicable method in which to resolve the situation, especially with people whose interests or circumstances include an ongoing relationship.

What to bring to mediation:

- A list of all issues and concerns you wish to discuss.
- All supporting documentation pertaining to the issues.
- An open mind and a willingness to commit to the process.