

Ten reasons to mediate

By Marc Bhalla

There are many good reasons to consider mediation as a means to address conflict:

1. Mediation can save you money. The costs involved in proceeding to trial are significant. When parties participate in good faith, mediation provides an opportunity to resolve a conflict in a less expensive way.

2. Mediation can save you time. The court process can literally take years. Mediation is a private process controlled by the parties that provides the opportunity to resolve disputes faster.

3. Mediation can preserve the community relationship. As mediation embraces a conciliatory approach, it provides the opportunity for parties engaged in conflict to work together rather than focus on convincing a third party they are right. This can result in a better ongoing relationship than going to court, which is particularly appealing if parties must continue to be in close community with one another – as is often the case in the context of condominium disputes.

4. Mediation “Stays in Vegas”. The entire mediation process takes place on a confidential and without prejudice basis. Unless you agree otherwise, nothing said,

presented or offered in the course of a mediation session leaves the mediation.

5. Mediation provides perspective. At mediation, parties involved in a dispute have the opportunity to share their perspective of the situation. This can provide greater insight into why the conflict has arisen, what is important to each participant and how the dispute may be feasibly addressed.

6. Mediation explores options. Various settlement options can be explored in the course of mediation, including creative options which may not have been considered previously or which arise out of a greater understanding of the perspective of others – thinking outside the box.

7. Mediation can narrow issues. By participating in mediation, you and those you are in conflict with may be able to clarify the nature of the dispute and narrow down issues. This can serve to simplify matters moving forward and contribute to the reduction of time and cost of resolution, even if the dispute proceeds to court.

8. Mediation lets you be heard. At mediation, you have the opportunity to say what you need to say. Mediation provides you with a chance to “get it off your chest”.

9. Mediation is safe. You have nothing to lose by participating in mediation and everything to potentially gain. Even if the mediation session does not procure settlement, there are plenty of advantages that can come from the opportunity – from an interaction plan to make future exchanges with the other parties more comfortable to a greater understanding of how the dispute may progress moving forward.

10. Judges like it. If your dispute is ultimately destined to be heard in court, even if you are not legally required to attempt mediation, recent case law has suggested that courts consider whether you first attempted to resolve the conflict in a conciliatory manner in the course of awarding costs.

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