

## **MEDIATION—THE BEST ALTERNATIVE FOR YOUR BUSINESS**

Although mediation has become the primary method for resolving personal injury disputes in the state of Indiana, it is still generally overlooked by business as a means for dealing with disputes without being forced into litigation. What exactly is mediation and how can mediation help you run your business more efficiently and with less hassles?

“Mediation” is a process whereby a neutral third party (called a “mediator”) assists the parties to resolve their dispute. Unlike arbitration, the mediator does not act as judge. He doesn’t decide who is right and who is wrong. Likewise he will not, and cannot, force either party to accept a solution to which they do not agree. Even without the power to impose a solution, mediation is successful between 85-90% of the time when it is used.

When is mediation appropriate in business? The short answer is that mediation is appropriate whenever you have a dispute that you cannot easily resolve yourself. When you have a major fee dispute with one of your major clients. For whatever reason the client believes that it has not received the service or product that it was promised and therefore it has refused to pay your invoice. You don’t want to lose the client but the invoice/fee is too large merely to write off. Mediation can help bring the parties together without destroying the relationship.

When your employees are in open rebellion. Maybe they feel underappreciated, overworked, or abused by management. Mediation can help to identify the problems and to work through the problems without being dragged into litigation by a disgruntled or fired employee.

When your business is seeking rezoning approval or variation of use and the neighbors are fighting your plans at every corner mediation can help bring the parties together in a non-threatening environment to seek common ground for compromise.

When the environmentalists are seeking to block your plans for expansion or when the physically challenged have filed a complaint (or threatened to file a complaint) with the Justice Department for an alleged violation of the ADA (Americans with Disabilities Act) mediation can help.

The list of disputes which lend themselves to resolution through mediation are endless. If your business has a dispute that you cannot resolve yourself, mediation can help.

### **The Benefits**

- **Cost.** Mediation is a less costly alternative to litigation.
- **Continuing Relationships.** Because mediation creates a win-win situation between the disputing parties (parties settle their disputes by agreement only when they see some benefit to themselves in doing so) they feel good about the outcome of the dispute and often feel comfortable in continuing their relationship with each other as a result.
- **Maintaining Control of the Outcome.** Because mediation is a voluntary process, your business does not lose control of the outcome as it does in litigation or arbitration. No one imposes a solution upon your business. Settlement only comes when both sides determine that it is in their best interests to do so.
- **Time.** Time is money. Unlike litigation mediation allows you to resolve disputes quickly without the need to drag them on for months or even years.
- **Risk-free Alternative.** You lose nothing (except the cost of the mediation which is generally split between the parties) by trying mediation before resorting to more costly alternatives such as litigation. If mediation is unsuccessful in settling the dispute all parties preserve all legal rights that they had before they entered into mediation.

## **Conclusion**

Mediation can help businesses resolve most every dispute in an efficient and cost-effective manner without the need to resort to the legal system. Likewise mediation can bring matters which are already in litigation to a speedy conclusion. In short, a skilled mediator is worth their weight in gold. They help you stay clear of or short circuit litigation and rather to do the thing that you do best, run your business.