



## **DESCRIPTION OF MEDIATION**

Mediation is a process in which an individual trained in the art of mediation and familiar with the subject matter to be mediated facilitates discussions between the parties in an attempt to identify common ground upon which to build a consensus or agreement. Generally, conflicts between individuals or groups have several facets or issues and it is important to separate them for discussion purposes and still “leave them on the table” so not to piece meal a resolution but to achieve a total or comprehensive resolution.

The Mediator guides the process. He or she does not take sides or give advice. They ask questions and insure that each party understands what the other person is saying and, more importantly, why that person feels the way they do. Also, the Mediator clarifies each party’s position and encourages the party to explain the reasons for those positions. The Mediator becomes a medium through which the parties truly communicate in the total sense of that word.

Mediation is not intended to create a series of compromises. It is the development, through information and knowledge, of a consensus of how an issue or conflict can best be resolved to the benefit of all parties at reasonable costs without the emotional trauma or stress which necessarily accompanies any legal action.

As you can see from the broad overview of mediation, the process is designed to remove, or at least lessen, the trauma, bitterness and expense which usually accompanies more traditional methods of resolving conflicts between individuals or businesses. The traditional method of litigation fosters a “winner take all attitude”. Traditional litigation involves attorneys whose job it is to protect your interest sometimes at all costs. “The object is to win”, which of course is defined differently by each individual and circumstances.