

WHY MEDIATE?

Version 1.0 | March 2023

Mediation can be an appropriate alternative method of dispute resolution to avoid the high costs, lengthy process and delay of litigation.

Unlike court-based processes, the mediation model is informal and flexible. It is a confidential and private process where the specific details of a case can be explored with a neutral third party. It is efficient and allows for a rapid and tailored solution. It can enable parties to move forward financially and emotionally rather than being entrenched in protracted litigation.

The mediation process allows disputing parties to work through issues, accept other ways to resolve a dispute and develop resolutions more quickly. The resolution can be tailored to the individual needs of the disputing parties and the particularities of the dispute. The high pressure and accompanying hostility and tension of a courtroom are eliminated. The open forum of mediation provides an ideal solution for the disputing parties to reap the benefits of an out-of-courtroom solution. It offers the disputing parties a say in a final and mutually acceptable resolution.

Mediators are neutral and balanced. They do not become involved in the intricacies of the dispute. A mediator's role is not to persuade one or other of the parties or offer an opinion on the merits of each side's argument. A mediator may offer counsel in respect of likely outcomes which can be beneficial for moving beyond any impasse.

