



Mediation Process – What to Expect at Mediation

Mediation has been defined as a voluntary process, which uses a neutral third party called a Mediator to help the parties come to an agreement.

First things first! When you come to our office, you will be seated in a room along with your attorney, spouse and anyone else you decided to bring with you for support. We call this room your caucus room. Keep in mind that initially the other side will be in their own separate caucus room. The mediator will come in and introduce him/herself shortly after your arrival. Don't worry, the mediation will not start until your attorney arrives.

Many people worry about the mediation experience since their previous involvement in their case may have been answering questions in a deposition. Mediation is definitely not a deposition. You will not be cross examined or questioned by the other side. Mediation is generally considered to be the easiest phase of the litigation. Still, we recognize that it may be scary for the first timer, as it is a different type of experience than most people are used to. After your attorney arrives, the mediator will explain the entire process in depth.

Mediation differs from a trial as the decision makers are the parties and their respective attorneys and not a judge or jury. Mediators are neutral and do not have a stake in the outcome. Remember, the mediator does not have any decision making authority and does not give legal advice.

Keep in mind that mediation communications are confidential and are not admissible at any court hearing. Again, your mediator will describe this and other matters in greater depth at the beginning of the mediation.

No one can predict how long the mediation will take. While the amount in a dispute, number of parties and complexity of the dispute may extend the time, even relatively straight forward problems can take several hours. Mediation is a process! Please give it the time required to achieve a settlement.

You have the absolute right to bring your attorney and have any other trusted advisor present with you.

Depending on the preference of the parties, there may be discussions with the other side directly in a joint session or the mediator may carry messages between the parties, or utilize a combination of both methods in an effort to resolve the dispute.

While all our mediators are retired judges or experienced lawyers, they are not your attorney and they do not give legal advice. This summary of the mediation process is not intended to give legal advice, but only meant to help inform you about the mediation experience. There is no substitute for the advice of your own legal counsel. Our mediators are here to help all parties resolve their dispute.