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# 5 WAYS THAT MEDIATION CAN SAVE YOU TIME AND MONEY

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A BUSINESS APPROACH  
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# WELCOME



Thank you for considering me to assist you with your mediation needs. It is my goal as a Mediator to help you move your dispute toward resolution as quickly as possible.

Mediation is a step in the right direction for setting disputes, and it can also be a great alternative to lengthy, expensive litigation. As a practicing attorney and mediator for many years, I have had extensive experience on both sides of the aisle - as both a mediator and as a participant in mediation. I understand that in order to be an effective and successful mediator, I have to listen to you, the parties, understand your perspectives and help you discover a quick, creative and practical solution to the dispute.

As a Board Certified business bankruptcy and creditors' rights attorney, I have participated in many mediations. This experience has given me insight and substantial knowledge in resolving disputes in different areas of law – from simple business disputes and small real estate problems, to complex commercial and governmental matters.

I have assisted many clients in general business and corporate matters – from the preparation of all types of shareholder or partnership agreements, to dissolving and resolving the end of those agreements, sometimes through mediation.

Mediation presents an environment where parties are able to present their positions, consider the opponent's position and receive input from a neutral third party (without facing the expense, time and contentiousness of trial). My goal as mediator is to get the parties to a settlement. An agreement lets each party have control over their destiny and avoid the uncertainty of a decision by a judge or jury.

I hope I can help you resolve your disputes, and I stand ready to dedicate any amount of time and effort that you might need to get past the current issue before you. Please feel free to call me today at 412-456-8101.

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With jammed court schedules, high legal fees and numerous frustrations linked to the civil litigation system, it's no wonder people are turning to alternative dispute resolution, such as mediation, to address their conflicts. Despite its success with many other types of disputes, mediation hasn't gained the amount of traction in bankruptcy cases that it should. In mediation, parties are eligible to settle their differences without relying on another party to make a decision for them.

## 1 Create Your Own Solution

In litigation, you give up a lot of power over what's going to happen to you. You might play a role in providing evidence or giving testimony, but you are unlikely to be involved in the decision made by a third party. You might find out afterward that the result was not satisfactory for either party involved. In mediation, however, you can work toward solutions that are outside the typical litigation box. If a unique solution works for your situation, you can discuss that in mediation settings. Especially in bankruptcy or other financial restructuring cases, it might be easier to talk through solutions outside of the generic response.

## 2 Keep Your Case Private

Whether you are a creditor, or a company, or individual filing for bankruptcy, having your involvement with a case be so public can be a big disadvantage of bankruptcy litigation. This holds true for many different types of civil cases where you could be better off heading into private mediation meetings to resolve your issue. In a private situation, it's easier to discuss alternative options, share information and suggest ideas in a neutral forum. In turn, this could lead to an agreement being reached quicker and with lower expenses for everyone involved. Many parties who leave mediation sessions are satisfied with the confidential aspect of the proceedings because it allows them to address the issues privately, and then move on with their lives in a productive way.

## 3 Reach an Agreeable Solution

The process of mediation can be very beneficial for parties who are both afraid of "losing it all" in court. Rather than risking getting a result from litigation that isn't satisfying to either party, mediation empowers a third-party neutral to help both parties reach an agreement. This doesn't mean that one party benefits entirely; in fact it's



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extremely unlikely that both parties will leave mediation 100% satisfied with the result, but it's also extremely unlikely that parties will leave mediation 100% dissatisfied, either. Since mediation offers a fairer playing ground, parties will benefit from realistic conversations that focus on common areas of agreement.

## 4 Count on Negotiation

In mediation, it's easier to negotiate contentious issues. Depending on what works best for the case, a mediator might shuttle back and forth between two different rooms, or all the involved parties can sit down to discuss to main issues. Mediation is informal and confidential, allowing parties to feel more confident suggesting possible compromises, and allowing the other party to consider those before moving forward.

In litigation, a lot more control is handed to the judge presiding over the case, and neither party may know where they stand until all is said and done. There's a lot of guesswork and potential strategizing that can take place for a litigated case, whereas mediation keeps parties more aware of their role in the meetings.

In litigation, there's a lot of focus on being prepared to do battle. This can cause lengthy delays and a lot of preparation by attorneys, which in turn leads to higher legal fees. For most cases, this strategy is not in everyone's best interest. It can actually make the case last far longer than necessary so that no one is able to return to life as normal. In mediation, starting from the expectation that everyone will need to compromise and negotiate to reach a fair settlement, parties avoid trying to engage in strategy and instead remain most concerned about getting to a solution. Don't waste time to trying to become the victor in a "winner take all" scenario that is litigation - you run the risk of losing everything and coming out farther behind than you ever anticipated.

## 5 Mediation Experts Make the Process Smoother

Typically, parties to a dispute will both select a mediator to handle the case. In litigation, you run the risk of having to "educate" the judge about the issue. This tactic can backfire on you if the judge feels like there is no confidence in his or her knowledge and experience. Avoid the entire experience altogether by opting for mediation with a third-party professional who is best suited to your case.

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One of the simplest benefits of mediation is that it saves everyone involved money. There is no need to pay individual attorneys and there is no long-term ongoing defense that needs building. Instead, you and the person with whom you have the dispute prepare your case and present it during the mediation session. Together, with the guidance of a mediator, you work to find a resolution that works for both of you.

In the same vein as saving money, mediation saves time. Many disputes are solved in just a single mediation session that might last only a few hours. There is no waiting for a court date and there is no reason to worry about your case being delayed. Mediation is efficient and focused on fixing the problem as quickly as possible.



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