



Frequently Asked Questions

What is mediation?

Mediation is a voluntary and confidential process whereby parties in disagreement come together in the presence of a neutral mediator(s) to discuss the issues that are troubling them. An alternative to litigation and arbitration, mediation recognizes the importance of self-determination, and of preserving relationships between the parties. The process helps parties frame the issues and develop options for constructing workable solutions. The mediators guide the process to keep it productive but do not provide counsel or advice.

Who are mediators and what do they do?

Mediators come from all walks of life and offer a variety of life experiences to mediation. Mediators are trained in the process of facilitation. Their individual and professional histories enrich the collective wisdom of the mediators conducting the sessions. Mediators act as unbiased and neutral facilitators guiding the conversations between those in disagreement. Mediators may specialize in subject matter areas in which they have previous experience and knowledge.

Are mediators experts in all aspects of the subject matter of the dispute?

No. In fact, mediators must maintain their neutrality and cannot offer professional advice in the process. Mediators recognize the need for outside consultants and may recommend the use of consultants or experts in the subject matter involved in the dispute.

What can be expected from mediation?

Each experience is different and each outcome is different. A virtue of mediation is that there is no one size that fits all and custom solutions are the norm.

Who is involved in mediation?

Any interested stake-holder can be involved in a mediation, either directly or through designated representatives.

When can mediation be used?

Mediation can be used in virtually any environment where the need for agreement and the preservation and maintenance of positive relationships are important. Any dispute involving civil actions (versus criminal actions) is amenable to mediation. Some examples include:

- Business organizations, for succession and dissolution issues
- Labor relations and employment disputes
- Private family matters involving divorce and related child custody and support issues
- Estate planning, probate and inheritance issues
- Elder care or special needs planning and care of individuals
- Crisis intervention
- Conflicts that arise in schools and universities, healthcare organizations, churches and synagogues, community activism, and customer relations
- Real estate transactions and landlord-tenant actions
- Negotiations in any context

How does a mediation get started?

Usually one person or group initiates contact with a mediator or an agency or professional who may make a referral to a mediator. Next, there is an intake interview that is important in determining if mediation is an appropriate process for the participants and their particular dispute. Following interviews with the participants, and a review of associated fees and expenses, a first meeting time is scheduled. All participants must sign an Agreement to Mediate and a fee schedule before mediation can begin. Most mediation sessions run between two and four hours, but several sessions may be indicated, depending on the complexity of the issues involved.

How long does mediation take?

Depending on the circumstances, mediation often requires several sessions. In between sessions, or within sessions, it may be necessary to consult with industry or topic specialists or experts. It may also be necessary to contact various agencies, professionals, or other third parties to develop more data and concrete facts to assist the parties in exploring interests and viable options in settlement. If an agreement is reached, a document can be drafted stating what the parties have decided and setting forth an action plan or terms of settlement. If it is a complex or legal matter, then the agreement may be converted into a complex contract which can be legally binding on the parties.

What if scheduling or access is a problem?

Mediation can be held in any location agreeable to all participants and suitable for the process. The number and length of each session may be planned to minimize the inconvenience to participants. For some meetings, videoconference calls may be acceptable. In some instances, it may not be necessary or possible to have each interested party present at each meeting, in which case, meeting agendas are adjusted accordingly. Whenever possible, it is most desirable to have all participants attend each meeting.

What does mediation cost?

Costs for mediation vary widely, depending on the complexity of the issues involved and the ability of the parties to work together. A simple four-hour mediation would fall on the low end of the scale, while a larger family or corporate mediation would typically cost significantly more. All mediators will disclose their hourly fee up-front and most will provide an estimate of the total cost for the mediation involved.

Does mediation always result in agreement between the parties?

No. When consensus cannot be reached, alternatives to agreements can be discussed. At the very minimum, participants in a facilitated process may have improved their listening skills which can lead to a better understanding of all concerns and points of disagreement. Usually the process of listening to others and understanding the other party's perspectives will be used in future discussions. Most importantly, learning to listen and understand the concerns of others can help improve the relationships between the participants on an ongoing basis.



ABOUT JENNIFER DECKER

Jennifer Decker is an experienced mediator, business consultant, and trainer. She mediates in the areas of workplace, business and family business, elder issues, and divorce. She also trains and consults on issues related to sales, leadership, marketing, and conflict resolution. For more information, please email her at jendecker@deckermediation.com or visit www.deckermediation.com.



ABOUT MAURA SULLIVAN

Maura Sullivan is an advocate and attorney who is committed to mediation, collaborative law and other conflict resolution strategies. An experienced legal generalist, she has focused her efforts on enhancing the quality of life for her clients, primarily in the areas of family and probate law, health care and education. For more information, email maurasullivan@verizon.net.