

### **MEDIATION DEFINED:**

Mediation is the process where the parties meet with an impartial and neutral person who assists them in the negotiation of their differences. It could also be described as assisted negotiation. The decision power is strictly and totally with the parties. The mediator does not decide what is “right” or “fair”, does not assess blame or render an opinion on the merits or chances of success if the case was litigated. The mediator assists the parties in reaching an agreement that is agreeable to them. Instead, the mediator helps to bring the opposing interests together by defining issues and eliminating obstacles to communication, while guiding the process to avoid confrontation and ill will. Mediation can be an alternative to litigation which can do real harm to relationships, reputations and bank accounts

### **THE MEDIATOR:**

The mediator is an invaluable resource to all participants in the process. He uses the knowledge and skills to plan negotiation strategies and develop options for settlement. A certified mediator has received mediation classroom training and observed other experienced mediators.

### **THE PROCESS:**

Generally mediation begins with a joint session to set an agenda, define the issues and learn the position and concerns of the parties. The joint session is then followed by a separate meeting between the mediator and each individual party or their counsel. . This allows each side to explain its position and mediation goals in confidence.

The mediator has a number of private and confidential meetings with each of the parties and their representatives to explore interests and settlement possibilities.. He moves back and forth between the parties, carrying various settlement proposals and communicating the interests and needs of each participant to the other participants. The mediator often assists parties in prioritizing interests and options for settlement and to assess the relative strengths and weaknesses of positions. Once an agreement is reached, the mediator will work with counsel or the parties to finalize a settlement agreement and determine the procedures necessary for implementation.

### **MEDIATION FACTS:**

- Mediation in NC leads to settlement 50-80% of the time.
- Mediated agreements tend to be more personalized than court-ordered resolution
- Mediation takes place in a non-threatening and more informal environment than a courtroom.
- There is chance for at least partial success which allows the opportunity to settle some conflicts and reserve remaining issues for trial

### **ALAN'S EXPERIENCE:**

Alan's experience as a mediator covers a broad range of issues, including personal injury, contract disputes, disagreements in the administration and distribution of estates, child visitation and divorce property settlement matters. He has relevant experience and training in a wide variety of elder law issues.

He can help people have difficult conversations, in a non-threatening setting, allowing them to realistically evaluate their positions and work toward a resolution that they create. This provides real value, as an alternative to expensive, adversarial and lengthy litigation.