

Why Choose Mediation?

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I will never battle in court. In fact, the only way I would ever even need to step foot in a court room would be if I was summoned for jury duty, or possibly if I were killed and my lawyers needed a piece of me as evidence at the murder trial. Likely, only the former will occur. I do not have a fear of legal establishments, nor am I constantly fighting to stay out of trouble. It is simply that I seem to be one of the few people who realizes that not every tiny issue needs to be settled in court. Trials often leave the opponents dissatisfied, thus leading to more courtroom drama later in life. Legal disputes rape pocket books, waste up to years of time and most often destroy the relationship between the disputees. To solve a problem efficiently, effectively and in favour of both sides, there is only way to go: Mediation.

Mediation is the act of two parties sitting down with an unbiased professional (the mediator) to discuss what they feel is the correct solution to the problem at hand. The issue could be anything from a divorce settlement, to a contract breachment to a disagreement between neighbours. They will work with the mediator to negotiate, discuss, and compromise. Together they create the ideal plan which works best for both parties. Because everyone involved is directly responsible in the decision making, mediation has high success rates thanks to giving people what they want in a much more "fair" manner. When a third party imposes a set plan, like in a court ruling, the solution tends to deteriorate as a result of disputees starting unsatisfied. Problems also escalate after a judge determines the plan, and a week later the groups receive their bills.

Court is not cheap. According to Susan McGrath, a former family law lawyer in Toronto, it is not unusual for a family law case to cost \$150,000. In fact, the average three day civil court case costs approximately \$60,738, while the average family income is only \$58,100. So in other words, if I were to be stubborn and insist upon a court settlement, it would take a little over a year of my life (and my husband's) to pay it off. Then, if I were to lose my case, I would likely have to pay some of my opponent's legal costs, and whatever payments they won from me. This is, in my opinion, a ridiculous gamble. Instead, the mediation route is much more cost efficient. On average in British Columbia, a mediator will charge from \$125 to \$225 an hour, and sometimes the issue can even be solved in one three-hour session. Then, the final cost is split between the two parties, so each is only required to pay half of the grand total. That's a 50% discount off of problem solving! And in only three hours! Try getting that kind of speed in a court room.

Lawyer availability, lack of preparedness and other inevitable judicial delays all contribute to the slow speed of civil court cases. The aforementioned three hour success possibility through mediation is more likely to occur with a minor case. Typically, a few sessions are necessary; one for an introduction, one or more for negotiations and a final one for signing documents and closure. Compared to the court process, however, this is still exceptionally fast. For example, a divorce settlement case in court can take up to two years to be finalized, which means there will be endless hearings and extreme tension continually building between the two parties. Court dates could be postponed, lawyers could be occupied. Instead, a mediator will provide a relaxed atmosphere and through

only a few sessions, a divorcing husband and wife would be able to compromise their estate in a mature manner. The more organized and willing the participants are, the more quickly a settlement can be reached. This is true for any circumstance. In a lengthy court case, as the proceeding drama intensifies so does the already strained relationship between adversaries.

I would really rather not end up despising the person I am in disagreement with. If I took them to court, I would naturally begin to view them as "the enemy" and by the end of it have no interest in removing my grudge. At least through mediation the two sides can sit down willingly together and *talk*. There would be no blame and no punishment, but instead equality and fairness. Whether the issue involves businesses, friends or family, the existing relationship between the two (or three) can be *preserved*. Mediation is more flexible and respectful to the needs of the people. Because of this, emotional stress and turmoil is reduced, likely even non-existent. It cannot be denied that people have feelings, yet lawyers ignore this and only care for the facts and statistics. I would like my emotions and needs to be considered and understood, and in return I would be more than willing to cooperate in the same way. In court, a finger is pointed; in mediation, a hand is offered.