

5 Benefits of Using Mediation when Involved in a Commercial Dispute



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Welcome

MEDIATION – ARBITRATION SERVICES



A good mediator must be more than a mere conduit of information between the parties. Instead, a mediator should work with each side confidentially, compassionately, and with respect for their concerns, advising each party of its strengths as well as its weaknesses and helping them assess their probabilities of success, thereby helping the parties to reach a reasonable settlement based on the realities of the case. By the time mediation is completed, either the case should have settled, or, at minimum, each party will have received a thoughtful and sensitive assessment of its probabilities of success or failure - itself a valuable tool in proceeding with any case.

For forty years, John Munger has been regularly involved in the trial process. In addition to trying hundreds of civil litigation cases, Mr. Munger has acted as a Judge Pro Tempore, an arbitrator, and a mediator in a wide range of cases, including employment matters, contract matters, administrative issues and tort matters.

Whether for mediation or arbitration, you need someone who has been in your position, and who deals thoughtfully and compassionately with your clients. Someone like John Munger.

Call John Munger today at 520-721-1900 to discuss your situation.

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Commercial mediation is one of the most valuable tools available for settling a variety of business disputes. Many people are surprised to learn how effective mediation can be when involved in a legal dispute. They assume the quickest and most definitive way to settle a legal dispute is by taking it to court, but this is rarely the case. Litigation can last a long time and be extremely frustrating, not to mention it quickly destroys a relationship that might have once been quite beneficial.

If you are involved in a commercial dispute and your goal is to settle it in the best way possible, mediation is likely the right option. What are five of the most important benefits to using mediation to settle this type of dispute?

Financial Savings

One of the most practical benefits of commercial mediation is that it is cheaper than litigation. As a matter of fact, this is one of the initial reasons those involved in a dispute consider mediation. They understand how expensive it can be to battle things out in court and they are hoping for the fastest route to a solution. Even after learning of the other benefits, they still appreciate the fact that commercial mediation is not the financial investment litigation can be.

Efficient

A reason why mediation is less expensive is because it is so efficient. It just takes a lot less time than litigation. The litigation process is long and arduous. All parties must abide by the court schedule and process, and because they are working against one another as adversaries, it can be advantageous to stretch out various phases of a trial.

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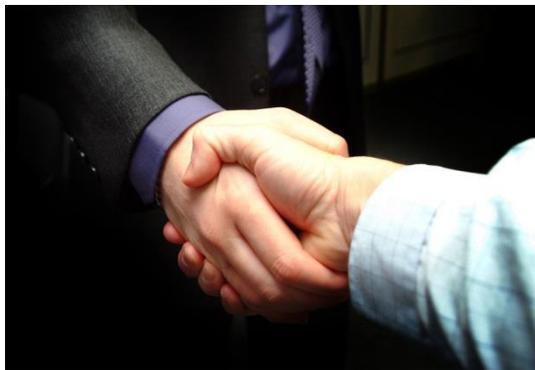
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In mediation, everyone works together as a team and it benefits all involved when participants are honest and ready to share information. The goal is to find the best possible solution in the most efficient way possible. The ability to settle a dispute and return to business as usual is reason enough for many to consider the compromises mediation entails.

High Success Rate



In nearly every instance that parties are willing to fully participate in mediation, success is achieved. Even the most contentious disputes can be settled by a skilled mediator if disputing parties are willing to give a little and be somewhat open-minded. The key to success in mediation is respectful communication. It allows everyone's concerns to be heard and addressed. Not only are parties trying to find a resolution, they are trying to resolve the dispute and settle things in the best way possible. Look at it this way: mediation does not just end a dispute, it fixes the reason the dispute began in the first place. This also opens the door for future success

without dispute between the parties.

Confidential

The details of a commercial mediation session remain private. This can be especially advantageous when those involved are concerned about publicity or the potential to expose sensitive or proprietary information. It also prevents public relationships nightmares. Everyone is able to focus on finding a resolution, instead of worrying about their reputation and figuring out how to spin the proceedings for their own benefit.

The only details released publicly are the ones disputing parties agree to release publicly. The discussions held during mediation are never a matter of public record and on the rare occasion mediation is unsuccessful, anything said during the proceedings cannot later be used against either party in court.

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Respectful

Perhaps the best reason to use mediation is the fact that the process is built on a foundation of respect. Not only does this make it easier to resolve the existing conflict, it helps disputing parties avoid future conflict and makes the relationship stronger overall.

On many occasions, those participating in mediation have a mutually beneficial business relationship. They are getting something out of working together, but the dispute has not put that at risk. If the parties use litigation to settle the dispute, there is an extremely high likelihood the relationship will be destroyed forever. Litigation breeds an environment of distrust and actually pits business adversaries against one another. This win-lose scenario destroys an otherwise successful relationship.

Mediation provides a process by which the dispute can be settled without destruction of the relationship. Mediators facilitate respectful discussion and ensure everyone's concerns are addressed. Both parties are completely in control of the outcome, too. There is no third-party saying "you win and you lose," which is quite empowering. Disputing parties design the resolution best suited to each of them, making it possible for everyone to walk away from the dispute satisfied with the decision.

Are you involved in a commercial dispute and you are worried that litigation might be the worst possible solution? Your concerns are valid. Litigation can be very messy and cost you a great deal of time and money. Mediation offers a more peaceful path to a better outcome. John Munger can help.

John has been an attorney since the mid-1970s and has experienced the changing face of the legal system. He has received numerous awards and is recognized as one of Arizona's most talented legal professionals. John understands, though, that litigation is not always the route to take to achieve the best outcome. He frequently uses his legal experience to help clients achieve their own best resolution, guiding them through a process that puts them in control and saves them time and money.

If you have questions about commercial mediation or you are ready to schedule a consultation with John, contact him at 520.721.1900 or by email at jfmunger@mungerchadwick.com.

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