

7 BENEFITS TO

USING MEDIATION

IN

Civil Disputes

A GUIDE TO RESOLVING DIFFERENCES



Christopher Keay

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WELCOME

Mediation is about balance and perspective. I've practiced law for over 30 years, representing both plaintiffs and defendants in a variety of cases. When I am not mediating, I enjoy sailing with my wife of 31 years, spending time with my three adult children or playing guitar with friends.

My name is Christopher Keay and I work with people throughout Washington State to help them resolve disputes. I've also been involved in mediation of nationwide claims, as with the Prudential mass tort claims by insurance policy holders. My strong legal background has allowed me to mediate disputes in a variety of areas, including construction, personal injury, discrimination, sexual harassment, employment, professional malpractice, product Liability, insurance, estates, guardianship/dependency and family law.

I began my legal career in 1983, with a mid-sized insurance defense firm. My practice quickly expanded into general civil litigation, representing plaintiffs and defendants. I currently divide my time between my civil litigation practice and my work as a mediator and arbitrator of civil disputes in state and federal courts.

Decades of legal practice has shaped and sharpened my judgment, empathy, and understanding of conflict and people in conflict. I believe this understanding is essential to achieving creative, workable solutions.

My goal is to help you reach a resolution that works for everyone involved. Mediation is a cost-effective, efficient way to settle even the most contentious disputes. Even if there seems no solution in sight, I can work with everyone involved to see things in a new perspective. I enjoy working with parties to find creative solutions to life's most complicated problems.

Thanks you for considering me to help you resolve your dispute.



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Civil disputes vary in scope, which means there is no single solution that will be effective for resolving all of them. In many instances, civil disputes escalate to the point that legal assistance is required to bring them to an end. For many, this means a difficult trial will end a long-term business or personal relationship. Fortunately, there are ways to settle legal disputes that cause less damage than heading to a courtroom. Instead of pursuing litigation and leaving control of the outcome up to the court system, consider the less contentious alternative: civil mediation.

Civil mediation offers a number of benefits, including:

1 IT IS LESS EXPENSIVE

One of the most popular reasons people pursue mediation initially is because it costs less than traditional litigation. Even when a compromise seems unlikely at the beginning, disputing parties consider mediation as an alternative to a full-blown court battle because it is cost-effective.

Mediation provides a legally sound alternative to litigation that allows disputing parties the opportunity to design their own solution with the assistance of a third-party neutral. It is possible in mediation for everyone to walk away from the situation satisfied with the outcome, but initially their reasons for attempting mediation are financial.



2 IT IS CONFIDENTIAL AND PRIVATE

Mediation is a confidential process that avoids the public scrutiny of traditional litigation. In litigation, the statements made in the courtroom become a matter of public record. In addition to the invasive nature, this also means a business or person can suffer serious damage in the public eye. Civil mediation provides a confidential means by which to discuss the various aspects of a problem and really be honest about a situation. Both sides understand that anything said will not be held against them later, which is especially important if they are concerned mediation will fail and the case will proceed to court. The privacy of mediation means people are more open and honest because they know they are protected. The ability to be candid increases the odds a resolution can be reached without the matter escalating to court.



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3 IT GIVES DISPUTING PARTIES CONTROL OF THE RESOLUTION

Issue settled in the courtroom put judge or jury in charge of the final ruling. Though each side shares their story, in the end, they have limited control of the outcome. Often, this means a win-lose situation, or worse, both sides feel as if they have lost. Mediation prevents this from happening and ensures both sides play a role in the outcome. Mediation gives everyone a role in developing the resolution and provides an opportunity for either side to walk away at any time if they feel uncomfortable with the process or potential outcome. Ideally, both sides of the dispute are satisfied when all is said and done.

4 IT FOCUSES ON COMMUNICATION

At the heart of successful mediation is healthy communication. This is guided by the mediator, without the influence of direct legal advice or the levying of a ruling. A mediator's job is to facilitate productive conversation that allows both sides of a dispute to work through each issue. He or she helps each side move beyond feelings of resentment or mistrust, so they can focus on designing a satisfying outcome. Mediation requires compromise, so a skilled mediator must be able to help parties achieve this. This is possible through both individual and joint discussion that help parties work through a problem to find a solution to their civil dispute.



5 IT IS EFFICIENT

Mediation is an extremely efficient method of settling a civil dispute. Trials often drag on for months and in the end both sides, win or lose, are worn and weary. Mediation places the responsibility for settling a dispute in the hands of the disputing parties, which means they control the time-line. Instead of a battle mentality, mediation brings disputing parties together as a team, encouraging them to find the most effective



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solution. Each side sees the benefit of being forthcoming with information and doing what it takes to find a settlement as quickly as possible.

6 IT FOSTERS THE ABILITY TO CONTINUE A RELATIONSHIP



Many civil mediation situations involve parties that would benefit if their relationship were repaired and able to continue beyond the dispute. Unfortunately, when matters are settled in the courtroom, too many hard feelings make it difficult to carry on once the dispute is settled. When the issue is resolved through mediation, it allows parties to rebuild the trust they might have lost during the dispute and truly move forward from the event.

7 IT PUTS A HUMAN SPIN ON DISPUTES

Civil mediation is driven by the communication process, which allows both sides to connect as human beings. For some, this opportunity to share their thoughts and feelings about a dispute is cathartic. Apologies can be rendered and discussions can focus on the root of a problem. Mediation not only offers a nuts-and-bolts alternative to a trial, it also provides emotional closure to a dispute. Mediation is an opportunity to solve problems using communication and it provides an opportunity to heal the emotional wounds that are a part of many disputes. It gives each side of a dispute hope that a problem can truly be resolved and that they are not forever sworn enemies. Mediation reduces the bitter feelings that often follow a trial and for many, creates the foundation of a stronger, more beneficial relationship in the future.

If you would like more information about using mediation or you are interested in scheduling a consultation, contact Christopher Keay at 253-572-5323 or by email at ckeay@jgkmw.com.

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