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## TEN THINGS TO KNOW ABOUT MEDIATION

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# WELCOME LETTER

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Thank you for considering Page Mediation. You can be assured that our expertise in family law, divorce or personal injury mediation will make the process as easy and affordable as possible.

For nearly 10 years, we have provided education and information on different dispute resolution options. We make it our priority to provide the highest level of service.

We specialize in all areas of mediation and have conducted over 1,000 mediations. Our mediation practice covers all aspects of mediation. We offer a very personalized service which will address the specific interests of both parties because we recognize that each and every mediation case is different.

We know that you have not reached this decision lightly. Your legal problems can be extremely difficult. You can rely upon our knowledge, positive perspective and creative solutions to help you sort out the challenges during this time.

Our goal is to help you manage the adjustment without conflict and without court involvement. Our mediation center understands that your case is not just a number in the court system. The choices that you make throughout the mediation process will have a life-long effect on you and the people close to you.

We understand that the best results occur when the emphasis is on cooperation and resolution, not adversarial conflict. Without court involvement, we can reach your goals of finding a fair solution. We use informal and non-adversarial techniques; the objective is to reach an agreement that is mutually acceptable and voluntary. In the mediation process, all decision-making authority rests entirely with you and the other party. I will act as a facilitator and guide you in identifying issues, engaging in joint problem-solving, and working towards settlement alternatives.

We pledge to discuss all options and alternatives on the table and then help you resolve your situation. It may not be easy going. It does take some work. Together, we can find workable solutions.

Thank you once more considering us. We look forward to working with you. If you have any questions feel free to email or call me.

Sincerely,  
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**TEN THINGS TO KNOW ABOUT MEDIATION**

Mediation is one form of alternative dispute resolution that has a lot of advantages compared to litigation. There are reasons why this process of negotiating a resolution between two parties is becoming popularly successful. Here are ten things you need to know about mediation.

- 1 Confidential
- 2 Mediator is Impartial
- 3 Required by Law
- 4 Settlement is Binding
- 5 No Home Field Advantage of Location
- 6 How a Mediator is Qualified in Florida
- 7 Expense Involved in Mediation
- 8 Mediators Report to the Court
- 9 Can't Win Case at Mediation and Settle
- 10 Stress

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## TEN THINGS TO KNOW ABOUT MEDIATION

## 1 Confidential



Image courtesy of suphakit73 at FreeDigitalPhotos.net

What is said at the mediation stays at the mediation. For electronic leash and social media enthusiasts, no texting or posting about the mediation during or after the mediation.

## 2 Impartial



Image courtesy of renjith krishnan at FreeDigitalPhotos.net

The mediator will play the devil's advocate with both sides but is required to be impartial.



## 3 Required by Law

In 1988, Florida became one of the first states to require that all cases, with very few exceptions, be mediated in Florida. Compared with many states, the time from case filing until trial is fairly short. Mediation is a big reason that is true.

The judiciary boasts that the third branch of government operates on approximately 1% of the state budget. Mediation helps the judiciary save expense and other resources. In Federal court, the judge usually requires mediation in the scheduling order.

## 4 Settlement is Binding



If the parties enter into a properly drawn settlement agreement, the court will enforce it against a breaching party. In appropriate cases, the court may award attorneys fees for the enforcement proceeding against the breaching party.



## 5 No Home Field Advantage of Location

The mediation is confidential and thus, there are no cheering crowds. The mediator is impartial and is not swayed by the location of the mediation, usually in the office of one of the parties' counsel.

## 6 How a Mediator is Qualified in Florida



While most states approach mediation a bit differently, Florida is one of the nationwide leaders in mediation and requires that the Supreme Court of Florida certify mediators. It used to be a requirement that mediators are lawyers but the Supreme Court eliminated that requirement a few years ago. Most lawyers are still more comfortable hiring lawyer/mediators, especially former trial lawyers who are intimately familiar with all aspects of litigation.



## 7 Expenses Involved in Mediation

The mediator is paid by the hour, as are the lawyers in non insurance cases. The mediator is always glad to be paid at the conclusion of the mediation. Mediations usually last a half day (3-4 hours) or a full day (6-8 hours) depending on the complexity of the case. There is no way to predict exactly how long a mediation meeting will take.

## 8 Mediators Report to the Court



After the mediation, the mediator is required to file a report with the court that only says who was present and only whether the case settled or not. Confidentiality requires that the judge not be informed about the course of negotiations.



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## 9 Can't Win Case at Mediation and Settle

The mediation is not a trial and no one will be declared a winner or loser. If one or both parties decide that the case must be settled on their terms, it will likely impasse. If you are a party, please come to the mediation prepared to negotiate your position. Most lawyers will tell you that a good settlement is one in which neither side is particularly happy about the result but both sides are delighted that the case is over along with the expense, time commitment, stress etc.

## 10 Stress



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While a mediation will be stressful, it is nothing compared to contemplating more litigation after an impassed mediation, having your deposition taken for many hours, sitting through a trial or testifying with cross examination at trial. Doctors say that most illnesses are caused at least in part by stress. My life bears testament to that. After many years as an active trial lawyer, I encountered a heart condition that led to a stroke in 2009 with two years of disability before I could return to my mediation practice.



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