

7 BENEFITS OF USING

**MEDIATION**

..... *for* .....

**BUSINESS  
DISPUTES**



**BARTH F. AARON ESQ**

— ATTORNEY & MEDIATOR —

Schedule an Appointment

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# WELCOME

Thank you for considering me to assist in your legal problem. As an experienced litigator, having spent almost 20 years both as a public prosecutor and in private practice, I am fully aware of the cost, time and effort expended in the formalities of the court process. Not to mention the distraction from your own business and losing control of your own problem to a judge or jury who simply do not care about you or your business. In part, that is why I spent the next 15 years in business myself, guiding both publicly traded and privately held companies, large and small, to success. I pride myself on the fact that no company for which I was legal adviser was ever sued or lost a business claim. Proper and accurate drafting of agreements and recognition of the needs and elements of success for both parties led to successful results for all concerned.

I can now offer those experiences to you, whether it is as a mediator, who can guide you and your business partners to a reasoned and acceptable resolution of your dispute, or as an advisor who can draft transaction documents which truly reflect the transaction, what you are seeking and what your business partner is seeking so that you both are successful, with a view to protecting you if something goes wrong, or simply consulting with you to provide the benefit of my experience to assist you in asking for the right things and knowing when to allow your business partner that key request which makes the deal come together.

My experience allows me to gauge not only what will be successful but where the pitfalls can arise and address them with knowledge of how they would be decided for you in litigation.

Let me help you with your business, moving it forward and keeping you in your business and not in the business of litigation. Please contact me at [barth@nevadamediation.net](mailto:barth@nevadamediation.net) or 775-741-3150. I look forward to working with you.

Best regards,

*Barth F. Aaron*

# 7 BENEFITS OF USING MEDIATION *for* BUSINESS DISPUTES



Whether a business entity is a sole proprietorship, partnership or multimillion-dollar corporation, business disputes are an unfortunate if not inevitable fact of conducting business. Business disputes can involve relatively simple cases, or highly complex legal claims that can cost thousands of dollars in legal fees and take years to get resolved through traditional litigation.

However, more and more businesses are turning to mediation to help them resolve their business disputes. Mediation is an alternative to commercial litigation where disputing parties meet face to face with a neutral mediator who facilitates communication and negotiation between the parties with the ultimate goal of reaching a mutually acceptable settlement agreement. Mediation has become the most rapidly growing approach for the resolution of business disputes for a multitude of reasons.

## **1. Mediation is less costly than civil litigation.**

When a business dispute is handled through the typical litigation process, court costs and attorney's fees can amount to tens of thousands of dollars with attendance at countless hearings and depositions. And if the case goes to trial, the legal fees can become overwhelming. Then include your own time and effort. You are not in the business of finding all the correspondence, emails and notes that went with that contract or business relationship or, worse, all of the documents, electronic and physical that went with all related transactions. And then there is all the time spent by you and other executives, directors or managers preparing for and answering interrogatories and requests for admissions or attending depositions, court hearings and trials. In contrast, the cost of mediation can range from \$1,500 to \$2,000 per day which can be split by the disputing parties. Consequently, some major business disputes can be mediated and resolved for less than \$5,000 in processing fees.

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## 2. Mediation takes less time than civil litigation.

Compared to the years that a typical business dispute legal claim may take to get through the court system, mediated claims can be resolved much more quickly, sometimes in less than a week. Because mediation is a non-adversarial alternative dispute resolution process, the disputing parties are not required to jump through all the legal hoops required of the court system. Consequently, even complex issues can sometimes be satisfactorily resolved in a matter of days. Because mediation operates on a faster schedule, the parties can put their dispute behind them and move on more quickly, rather than spending years dealing with a stressful court case. Mediation allows you to get back to your business quickly and easily and not be distracted from your primary business purpose by the lengthy and complex court process.



## 3. Mediation is more flexible and convenient than civil litigation.

The court system has many rules, procedures and protocols that must be followed. In contrast, mediation is an informal process that can be conducted in a mediator's office, or the office location of one of the disputing parties rather than a court room. The mediating parties are not required to work within the confines and limitations of the court system as far as process or result of their negotiations. This flexibility allows the disputing parties to find an acceptable settlement solution with less preparation and much less disruption to the businesses involved.



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#### 4. Mediation allows more control over the outcome than civil litigation.



When a business dispute is litigated, control over the outcome of the case is in the hands of a judge or jury. You hand over to these disinterested people your business and hope that they make the right decision for you. Mediation, on the other hand, allows the disputing parties to retain control over the process and the outcome of their dispute. The parties are free to choose the mediator, unless a specific mediator choice is required under the terms of a binding contract. Additionally, the mediating parties may choose the issues to be discussed, and openly express their

opinions and concerns in a mediation session in order to find a solution that is more cost effective and creative than one that may be mandated in a court proceeding. Only you agree to the mediation solution, retaining control over that solution.

#### 5. Mediation is more private and confidential than civil litigation.

When a business dispute is brought before a court, it becomes a matter of public record. When such confidential information goes public, it can be quite embarrassing and problematic for all the parties involved, especially if the subject matter of the case involves inflammatory allegations or trade secrets or processes. Avoiding a court proceeding by opting for mediation allows the disputing parties to maintain confidentiality and preserve their privacy.

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## 6. Mediation is better at preserving business relationships than civil litigation.

Civil litigation is adversarial by its very nature. This means that if a dispute goes to trial, there will be a winner and there will be a loser. Consequently, when disputing parties end up in litigation, their business relationship will usually come to an end. However, since mediation is a non-adversarial process, the disputing parties can still view each other in a positive light. Mediation allows the parties to a dispute to work together to reach a settlement and, in many instances, the parties can continue doing business with one another.

## 7. Mediation results in better adherence to settlement terms than civil litigation.

In traditional civil litigation, parties to a dispute may feel like a settlement was forced on them without consideration for their interests. However, when disputing parties reach an agreement through the cooperative method of mediation, both sides have something to gain by ensuring the agreement works, and they have something to lose if the agreement fails. This increases the likelihood that the parties will follow through with their mediated agreement.

If you are involved in a business dispute in Nevada and are considering mediation, mediator Barth F. Aaron can help. Having spent the first half of his career as a commercial litigation attorney, Barth understands that the long, tedious and costly litigation process is more beneficial to law firms than the businesses they represent. Then Barth became a business executive working for publicly traded and privately held companies, both large and small. He understands business, the results achievable from litigation and the cost benefits of mediation. Barth has combined his background as a business attorney, executive and training in mediation and negotiation to assist his clients in reaching satisfactory resolutions to their disputes without the time, expense and distraction of litigation. Contact Barth today at [barth@nevadamediation.net](mailto:barth@nevadamediation.net) or 775-741-3150 to see how he can help you get back to business.

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