



5 BENEFITS OF CIVIL MEDIATION

CLARK ASPY

512-479-0300 | www.namanhowell.com



WELCOME



P. CLARK ASPY

I appreciate your interest in considering me to assist you with your mediation needs. It is my goal as a mediator to provide outstanding and unbiased services at a reasonable cost to those interested in mediation.

As a litigator for over 25 years and mediator for the past 20 of those, I have handled cases in the areas of personal injury/negligence, products liability, condemnation and eminent domain, contract disputes, construction disputes, and employment discrimination in the courtroom and through mediation. I have been board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law since 1993, and have been actively mediating disputes since 1990. Although I have mediated many hundreds of cases over those years, I maintain a very active litigation docket and feel that my continuing litigation experience enhances my real-world perspective in seeking compromise and voluntary resolution of mediated cases.

I have found that the mediation process results in settlements in a very large portion of cases for several reasons. The process requires that the parties, representatives, and attorneys set aside time from their busy schedules to concentrate on the dispute at issue. This focus is not typically available in any other setting -- with the exception of the actual trial of the case where the cost and emotions are typically non-conducive to settlement. Mediation presents an environment where the parties are able to have some "hearing" of their position, opportunity to consider the opponent's position, and receive input from a neutral third party; without facing the expense, time, and contentiousness of trial. Mediated results also allow the parties to make their own decisions and consider a wider range of options for mutual compromise than are available after turning the dispute over to a formal arbiter (judge, jury, arbitrator).



5 BENEFITS OF CIVIL MEDIATION

Why choose me to mediate your dispute?

- **Experience in multiple areas of the law.** Whether you require mediation for a personal injury suit or a contract disagreement; an employment complaint or a property dispute, I will draw on my extensive experience, representing both plaintiffs and defendants, to offer knowledgeable advice to solve your issue in the most advantageous way for all involved.
- **Neutrality.** I represent plaintiffs and defendants in multiple areas of the law. I am committed to providing balanced and neutral advice and potential solutions that will be equally acceptable to all parties of a dispute.
- **Affordability and Flexibility.** Pursuing mediation to resolve your dispute provides all parties the ability to avoid the costliness of fighting a lawsuit in court. You will be charged a reasonable flat rate, dependent on your need for a half or full-day mediation, and have the ability to schedule your mediation without the hassle of penalties or fees if the mediation must be rescheduled or cancelled due to a settlement before the mediation occurs.

Please contact me if you would like to move forward with scheduling your mediation or have any other questions.

P. Clark Aspy

Naman, Howell, Smith & Lee, PLLC
8310 Capital of Texas Highway, Suite 490
Austin, TX 78731
Phone No.: 512.807.2453
Email: aspyn@namanhowell.com



5 BENEFITS OF CIVIL MEDIATION

No matter how hard you work and how careful you are in your business and personal life, there might come a time when you are faced with a legal dilemma. Often, legal issues grow from simple disputes and other times, they arise because of communication or personal issues. For many, legal issues mean only one thing: a lengthy court trial. Fortunately, this is not your only option.

Though many legal issues might eventually escalate to the courtroom and require traditional litigation, others can be solved through alternative dispute resolution. One of the most popular forms of alternative dispute resolution is mediation.

Mediation is an option when two or more people have a dispute and wish to settle it without pursuing litigation. Civil mediation is often used in business disputes because it is efficient and focuses on finding a resolution that suits all parties involved. In many disputes, problems can be solved in as little as one mediation session that might last only a few hours.

If you are involved in a dispute and you prefer to avoid court, mediation is one of your best options. What are five of the most important benefits of using civil mediation?

1. MEDIATION IS LESS EXPENSIVE THAN TRADITIONAL LITIGATION

Mediation takes less time than traditional litigation, which is one of the main reasons people prefer it. In addition to saving time and allowing busy business professionals to focus on more important issues, reducing the time it takes to resolve a dispute also saves money.

Much of the cost associated with litigation is due to the hours invested into building a case. You hire an attorney and he or she spends weeks or months building a strong case that will hold up to scrutiny in court. You are billed hourly, which means all of the time invested in building this case is paid for out of your pocket. Additionally, you might incur court fees and other miscellaneous charges over the course of the trial.

With mediation, all you pay is the mediator's fee, which can be split between the disputing parties. You have the option of individual representation from an attorney, but it is uncommon. In most mediation sessions, the parties bring the required information to the session and pay for just the few hours they spend discussing and resolving their issue.

5 BENEFITS OF CIVIL MEDIATION

2. MEDIATION OFFERS FLEXIBILITY

One of the great things about mediation is that it serves as a starting point for a resolution. If mediation tries and fails, parties still have the option of pursuing other methods of alternative dispute resolution or going forward with traditional litigation. Even court-ordered mediation is flexible – only an attempt to mediate is mandated and if a resolution is not possible, disputing parties move on to other options. Basically, mediation offers a “you might as well try it” option that is often quite successful.

3. MEDIATION PUTS DISPUTING PARTIES IN CONTROL OF THE RESOLUTION

Another thing disputing parties find beneficial about mediation is the control they have in determining the resolution. Other options result in a final resolution from a third party that must be followed. In mediation, the disputing parties determine which option is mutually satisfactory and if none seem so, they can opt for litigation or arbitration. There is no legal obligation in mediation to abide by what someone else tells you to do.

4. MEDIATION IS CONFIDENTIAL

Traditional litigation takes place in a court of law, where all of the details discussed become a matter of public record. Unfortunately, this means personal information and sensitive business information becomes public knowledge. In mediation, everything that is discussed during the sessions is private. The final resolution might become public, but the way in which that resolution was reached remains confidential.

5. MEDIATION IS SOLUTIONS-ORIENTED AND PROMOTES EFFECTIVE COMMUNICATION

Finally, mediation is beneficial because it focuses on finding a solution to a problem. Traditional litigation can end a dispute, but both parties might walk away unhappy with the outcome. It also creates tension and makes it difficult to continue a relationship once the dispute ends. No matter the outcome, at least one party always feels as if he or she is being punished, which can trigger feelings of distrust and betrayal.

5 BENEFITS OF CIVIL MEDIATION

Mediation eliminates this “sour grapes” aspect and resolves a dispute in a way that helps both parties move forward. Since those involved in the dispute are responsible for the resolution, they feel empowered. Nobody can claim to be the victim once a final arrangement is reached because everyone has the power to say no. Whatever resolution is reached in mediation is one that both sides can feel satisfied with.

Are you involved in a dispute and are you hoping to avoid the expense, inconvenience, or other negative aspects of traditional litigation? Is your dispute recent and have you not yet tried any other means of resolving it in the court system? Mediation is a great place to begin.

Clark Aspy offers mediation services in Texas. He is an approved arbitrator for the Western District of Texas and has served as a mediator in hundreds of cases. This means he understands the delicate nature of bringing disputing parties together to resolve an issue. He knows how important it is to communicate about a problem and how beneficial it can be to resolve an issue without destroying a business or personal relationship.



If you would like to learn more about mediation or you are ready to schedule a mediation session, contact Mr. Aspy today.

Download
FREE eBook!

To download this ebook, please click this link:

<https://toi.infusionsoft.com/app/form/clark-asp---ebook>