

A photograph showing two people sitting at a white table, facing each other. Their hands are clasped together on the table. The person on the left is wearing a dark sweater, and the person on the right is wearing a white shirt. The background is a light blue wall.

Advantages of Using Mediation In Civil Disputes

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WELCOME



I would like to thank you for considering me to assist you in resolving your legal dispute. At the office of Ford J Fegert, PA, our #1 goal is to assist you in attaining a resolution to your disputes in a manner that is as efficient, cost effective and satisfying as possible. Should you decide to use our mediation services, we will assist you in every step of the mediation process, while working diligently to obtain a final and complete resolution of your dispute.

Well over thirty years of legal, personal and business experience has reinforced the belief that a better resolution to a dispute can often be reached through mediation. Among mediation's many advantages, it is far less prolonged, much less expensive and not near as uncertain as litigation. Perhaps most important, it is far less contentious and stressful than litigation. There is a reason that there are so many lawyer jokes! These are but a few of the reasons that so many attorneys, such as myself, have found mediation to be a preferable means of dispute resolution.

Mediation allows you to step outside of the enormous stress and pressure of legal merry-go-round and to forge a resolution designed by you to better fit your needs. It is my pleasure to assist as mediator in obtaining that goal.

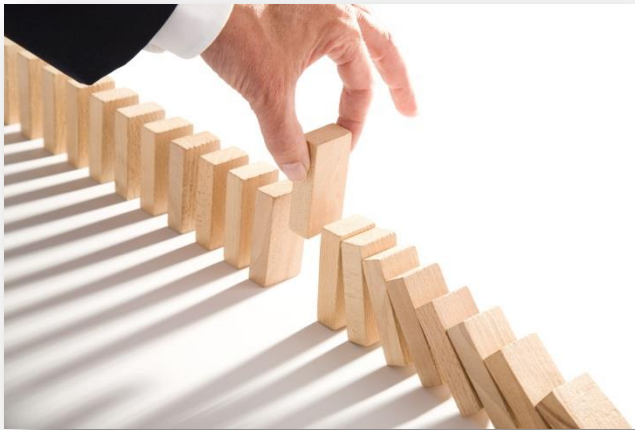
This eBook is designed to give you a more in depth discussion of the Advantages of Using Mediation in Civil Disputes. If you have any questions or concerns regarding the mediation process, please feel free to contact me directly. In the meantime, thank you for your kind consideration.

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Mediation helps those involved in a civil dispute resolve the matter in a timely and cost-effective manner. Mediation is facilitated by a third party, the mediator, that guides communication between disputing parties and helps them reach a fair and satisfying solution. The final resolution might not be perfect, but it is controlled by those most affected and allows both sides of the dispute to feel comfortable with the agreed to settlement.

Civil disputes involve money, but there are often many other underlying nonmonetary issues involved. Disputing parties sometimes use money as a tool to resolve a conflict when what is really needed is communication. Money may still be a part of the settlement, but both sides view the financial award more fairly when all of the non-economic or emotional issues are addressed and resolved.

Mediation bridges the gap between direct negotiations and the legal system. When a person has a complaint with an individual, organization, or business, they might feel that they were brushed aside or ignored completely. How many times may they have felt as if they were getting the run-around from an insurance company or other business with which they now have a legal complaint? On the other hand, how many times have you or your business felt wrongly accused or financially exploited?

A lawsuit is an option for resolving such conflicts, but this can do even more harm to both sides of the dispute. Mediation communicates the message that you are serious about addressing a matter or legal action without costing you as much time, money, or frustration. If you want to be taken seriously, mediation puts things into perspective. If you are pursuing a law suit, mediation provides an opportunity to call "time out" and seek an efficient, cost effective alternative to the litigation steamroller.

Advantages of Using Mediation In Civil Disputes



Mediation is an effective tool for settling most types of civil disputes, including:

- Admiralty and Maritime disputes
- Business disputes
- Insurance claims and coverage disputes
- Personal injury and Death disputes
- Medical malpractice and healthcare disputes
- Transportation and carriage of goods disputes
- Workplace disputes
- Construction disputes
- Real estate disputes
- Organizational disputes

Mediation provides a number of advantages when used to settle civil disputes. These advantages include:

AFFORDABILITY



Taking someone to court costs a great deal of money. Not only must you pay your attorney to build a strong case, you must also pay expert witness fees, court fees and various other expenses. The longer things drag on, the more expensive they become. Of course, the direct costs associated with actual trial days can be astronomical. For many, bringing a lawsuit against a person or business that they believe has caused them harm may actually end in a worse result than if he or she had ignored the problem. Similarly, defending claims can be more costly than acquiescing to demands of others, while at the same time exposing you or your business to the risk of a “runaway” verdict. Mediation reduces costs and expenses by settling a dispute more efficiently, while at the same time avoiding the risk of a harsh result.

Advantages of Using Mediation In Civil Disputes



TIME

One of the reasons mediation is so much less expensive than litigation is because it takes less time. Most legal disputes can be settled in as little as one mediation session – just a few hours! Not only does this save you money, it means you are not wrapped up in dealing with the conflict for months, if not years. Protracted litigation takes more than a financial toll; litigation is emotionally draining, as well. Mediation allows you the opportunity to more quickly resolve your disagreement and move on with your life.

CONFIDENTIALITY

Unlike litigation, mediation is a private process. Nothing is a matter of public record aside from the fact that the matter has been resolved. There is no need for anyone involved in a civil dispute to worry about sensitive personal or business information being revealed to the public. This is especially important when a dispute involves sensitive proprietary information or when it revolves around personal family matters. Unlike the open courtroom, there are no reporters or outsiders present during your mediation conference.

CONTROL



Mediation puts control of the resolution into the hands of those most affected, the parties. Instead of leaving a resolution up to a judge or jury, mediation allows those involved in the conflict to reject or accept various resolution options. Skilled mediators assist disputing parties in coming up with creative approaches to settlement. They are then able to resolve a matter in a way that may not be possible in a court of law. Mediation provides an alternative to just accepting what a court might say is right. Any resolution must be voluntarily entered into by each side to the dispute. No resolution can be imposed by either an opponent or the mediator. – You are in control!

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COMMUNICATION

Mediation is a communications based process. Mediators bring together people involved in the dispute to discuss the issues at hand and to explore potential solutions. This is healthier for everyone involved and can make it easier to reach a mutually satisfactory decision. Why? Because mediation addresses emotional, as well as practical needs, and not just solutions which are available in a courtroom.



Litigation rarely takes the personal, psychological or emotional factors of a dispute into account. It can feel cold, hard, and uncaring. No direct communication between parties is allowed inside the courtroom, and few legal remedies are designed to resolve emotional factors or concerns. Mediation changes this approach and utilizes empathy to create mutual understanding between parties. This better addresses the parties' concerns, promotes emotional healing, and can help to preserve ongoing relationships. Of course, that can be especially important when a relationship has business value or is between family members.

FLEXIBILITY

Disputing parties have complete control over the mediation process, including when and where it occurs. In litigation, everyone is at the mercy of the court system, which can be extremely inconvenient and make an already difficult situation worse. Mediation conferences occur when and where you would like. You and your opposing party jointly decide who will be the mediator. Mediation occurs according to your preferences.

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SATISFACTION

Research shows parties that use mediation to resolve a dispute are more satisfied with the outcome than those who go to court. In addition to being a better experience, satisfaction in the outcome also increases the odds everyone will adhere to the obligations outlined in the resolution. Mediation actually reduces the need for further legal action because people are more likely to abide by situations in which they had some control.



Are you involved in a civil dispute and believe mediation might be right for resolving the matter? If so, you need the assistance of an experienced civil mediator. Ford Fegert has been certified in Civil Mediation by the Supreme Court of Florida since 2005. Previously, he had been court appointed on an *ad hoc* basis as mediator in maritime litigation. If you are ready to schedule a consultation or have questions about how mediation can help you settle your civil dispute, contact Attorney Fegert at 772.794.1925 or by email at vessellaw@aol.com.

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