

5 BENEFITS OF CIVIL MEDIATION



PAUL CROST MEDIATION

MEDIATOR, ARBITRATOR, HEARING OFFICER

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WELCOME



Hello. I'm Paul Crost, and I look forward to hearing from you. While my primary area of expertise is labor and employment law, my mediation practice includes business and contract disputes, and civil law cases other than personal injury and family law. I appreciate your interest in my mediation services, and I look forward to combining my legal and mediation experience to help you successfully resolve your dispute.

After 40 years of practicing labor and employment law, I retired from my firm to serve as a mediator. While I enjoyed my work as an advocate for working people, I realized that my greatest strength was in resolving disputes in a manner that preserved relationships and avoided the uncertainty of litigation.

While most of my clients were unions and individual workers, I also defended the firm's union clients in their capacity as employers. I defended wrongful termination, sexual harassment, and disability claims, and as managing partner of my firm I negotiated bargaining agreements with the union that represented our employees. That experience provided me an opportunity to see the world from both sides.

The common thread of my law practice and my work as a mediator is problem solving. I believe in bringing ingenuity, new perspectives and respect for the parties and the process to achieve a mutually beneficial resolution of disputes. My goal is to provide a comfortable stress-free environment as a foundation for resolving conflicts and bringing closure to the dispute. While I hope to achieve a settlement, it is equally important that, at the end of the mediation, all of the participants feel that they were treated in a respectful manner and were empowered to make the decision to settle the dispute or to pursue litigation.

My mediation style is to engage the parties in a mutual search for a result that both parties can accept. I am the optimist in the room. I know that the mediation process can work if the parties give it a chance, even if they do so reluctantly. I take the role of a mediator very seriously, and am grateful that people will allow me to offer them a process for resolving a dispute that may be quite emotional, and may involve significant financial and personal consequences. I defend that process by being neutral, unbiased, and facilitative.

Please contact me to discuss how mediation could help with your dispute.

Paul

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Civil mediation is one of the most effective methods for resolving disputes in both business and personal matters. Legal issues often arise from simple disputes related to miscommunication, misread contracts, or personal issues. In the past, these legal disputes led parties down a single path of expensive and frustrating litigation. Now, you have numerous options for settling disputes, one of which is civil mediation.



Mediation can be a starting point for settling disputes, or it can be utilized after a lawsuit has been filed and before trial. There is no guarantee that your situation will not eventually lead to the courtroom or require another form of alternative dispute resolution, but mediation can save time, money and headaches. Some court systems even require disputing parties to attempt mediation before moving forward with any other option. They have done so because mediation has a high degree of success in achieving settlements, which means that public funds are saved by fewer cases going to trial and appeals.

Civil mediation is often used in business disputes because of its efficiency. It can be effective for settling personal disputes because it focuses on communication and allows disputing parties preserve their relationships. For many, mediation requires only one session to settle a dispute, and that session might last just a few hours.

If you are faced with a dispute, even one that seems “unsettle-able,” mediation is a viable option. What are the five most important benefits enjoyed by those using mediation?

1 Mediation Costs Less

Mediation is less expensive than litigation. This is one of the main reasons people are so willing to try it. Even in a bitter dispute, the prospect of saving money – often a significant amount – is enough to motivate people to resolve their dispute, even if it means that the settlement may not be the best result they could get by letting a judge or jury decide the dispute.

One of the reasons mediation is less costly than other options is because it takes less time and requires less manpower. In many situations, the only fee for mediation is the mediator’s fee, which is typically split between the disputing parties.



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Mediation is Flexible

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Flexibility is something often lacking when a dispute is settled in a courtroom. Disputing parties are given an opportunity to state their side of an issue, but the final say is left to a judge or jury. This is not the case when they mediate their dispute.

Mediation requires that all parties be willing to listen to the other party's point of view. As long as a potential resolution is legal, it is considered. Everyone has an opportunity to express his or her concerns, and in the end it is the disputing parties who create a settlement. In order for mediation to work, the parties should come to the mediation with an open mind. Mediation often results in everyone recognizing that resolving the dispute was the wise choice.

3

Mediation Gives Ultimate Control to Disputing Parties

As mentioned above, it is the disputing parties who create the solutions. They are free to hash out the details and come to a resolution that is acceptable to both parties. The mediator's role is to facilitate the process and to present possible solutions that may not have been considered by the parties. Unlike a judge, jury or arbitrator, the mediator has no power to impose his will on the parties. Mediation does not mean that the parties are giving up the option of litigating to a judgment. Rather, it is an option that may lead to a resolution that will avoid a trial.

Often, the mere act of putting people in control of their situation makes things better. If both parties enter mediation knowing they have some control and are free to express themselves, they are more likely to participate in the process. Knowing you have control helps you feel open-minded and willing to work together to resolve a dispute.

4

Mediation Focuses on Finding Solutions

Right from the start mediation gives disputing parties the tools they need to resolve an issue. It focuses on effective communication and empowers the parties to achieve a settlement. In traditional litigation, no matter the outcome, at least one of the parties feels slighted or cheated. Litigating is all about winners and losers. Mediation is about resolving conflicts in a way that all those involved agree that a settlement is a better outcome than continuing to litigate.



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This win-win outlook avoids the awkward and bitter feelings that often follow a trial. Each party retains his or her power, so it is possible to move forward with a relationship. Civil mediation increases the likelihood families will remain intact in some manner and that business relationships will continue once the issue is resolved.

5 Mediation Sessions are Private and Confidential

When disputes are decided in a courtroom, the process is a matter of public record. In most cases, anyone is allowed to view the trial; once a judgment is made, everything that is said and written during the trial is in the court records. With mediation, this is not the case.

Mediation sessions are private. Only the people participating in the mediation are aware of the discussion. As part of the final resolution, they can agree to keep certain matters private. This is important for both private and business matters. In both cases, there can be sensitive material discussed during mediation that is better kept out of the public eye.

If you are involved in a dispute, Paul Crost can help. Mr. Crost is an experienced mediator and has 40 years of experience as a labor and employment lawyer. He has been designated a Best Lawyer in America since 1987 and is a Fellow of the College of Labor & Employment Lawyers, an organization that annually elects the most outstanding employment lawyers in the country.

If you would like to learn more about mediation or you are ready to schedule a mediation session, [contact Mr. Crost today](#).



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