



WHY USE **MEDIATION**

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WELCOME

How can I help you resolve your dispute?

I have been practicing law for over 37 years. During that time I have handled mostly cases in litigation. Most of my practice has been defending personal injury cases for insurance companies and self-insured businesses. Those cases have run the gambit from fall downs, auto accidents, truck accidents, product liability, construction accidents, sporting accidents, to dog bites. However, I have also represented plaintiffs in an array of matters in litigation, business disputes and administrative actions including personal injury, business contract disputes, copyright infringement, trademark infringement and employment law issues. Throughout my career, I have tried over 150 cases to a jury and hundreds of more matters before judges and arbitrators. In addition, I have represented clients in hundreds of mediations. For over 20 years I have been appointed as an arbitrator for the American Arbitration Association as a neutral and in three man arbitration panels. I have also been an arbitrator on many private three man arbitration panels for uninsured and underinsured motorist claims. I have been a mediator since 2009 and for that last three years I have mediated cases on a volunteer basis for the small claims court in Will County, Illinois with approximately a 90% success rate. The vast majority of those cases are between pro-se/non-represented parties

I continue with my combined law and mediation practice today because I believe that the best mediators not only have the experience of representing parties in lawsuits, but are familiar with and keep up to date with what is happening in the courtroom and current jury trends.

I know what attorneys and parties go through on a daily basis. I know what it takes to properly prosecute or defend a lawsuit. I have learned how to evaluate the strengths and weaknesses of both sides in a dispute through strong listening skills. Based on my extensive experience with personal injury actions, I have a unique ability to evaluate them. I believe that all my experiences have brought me to this place where I can now, instead of advocating for clients, help people resolve their differences in a way that helps them reach a positive/satisfactory outcome, so they can move forward with their lives.

Mediation is a wonderful alternative to litigation or trial. The benefits are many as outlined in my e-book, which I hope you read. I cannot promise that all cases or disputes can be resolved through mediation, but most can, if the parties are motivated, cooperative and flexible. If you want a mediator who will work hard, treat you with respect and not give up, then contact me by phone or e-mail. Also, if you have any questions about the mediation process or whether your particular dispute can be mediated, please contact me and I will answer any questions you might have. Let's start the journey to getting your dispute resolved efficiently and in a setting that promotes peacemaking rather than fighting. I look forward to working with you.



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Mediation is a form of alternative dispute resolution, which simply means it is a way or process to use to resolve or settle disputes without resorting to litigation or a trial. It can be used by anyone, lawyer or non-lawyer, to help resolve any kind of dispute, either before litigation starts or at any time during litigation. Mediation involves the use of a trained neutral third party, the mediator, to help the parties communicate and hopefully settle their dispute. The mediator has no authority over the parties and cannot make them settle. Mediation is a completely voluntary undertaking.

What are the benefits of mediation?

1

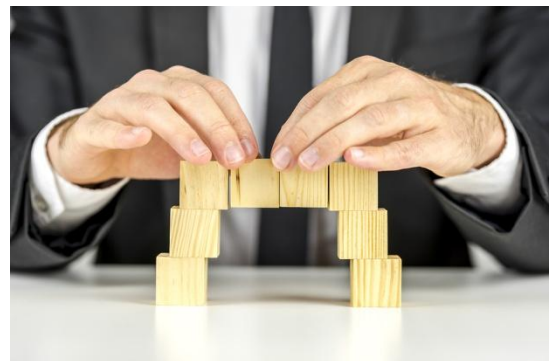
Mediation is less antagonistic than litigation

In litigation or at a trial, only one side can win. In litigation each side is trying to beat the other down using whatever method they can get away with. Winning becomes the most important thing. In contrast, mediation is about reaching a resolution that both sides can be happy with or, if not happy with, can at least live with. In mediation, both sides can work together to seek a resolution that permits them to find a sense of peace and closure. Mediation encourages a spirit of cooperation rather than antagonism. A participant can feel like they are part of the process and not at the mercy of some judge or jury, which brings us to our next benefit.

2

Mediation gives the parties control over the process and outcome.

In litigation or at a trial the parties really have no say in the outcome of their dispute or problem. They tell their side of the story and someone else decides who to believe, what to believe and the outcome. In other words, the parties lose control over their dispute and how it should be decided. In mediation, the parties control the outcome and how their dispute is resolved. They make the decisions about what terms any settlement agreement should contain. They can also control the process to the extent that they choose a mediator, agree where the mediation takes place, when it takes place, who the people are that will participate in the mediation and what documents to use at the mediation. Once the mediation begins



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the mediator controls the process of running the actual mediation conference, but he/she cannot force anyone to settle or agree to terms that are not acceptable to both sides

In addition and something most people do not realize, in mediation the parties are free to be creative in crafting the terms of a settlement agreement. A resolution of the problem does not have to be just the payment of money. Many times parties are after more than just money and in mediation that extra something can be worked into a settlement agreement, which is beyond what a judge, jury or arbitrator can do.

3

Mediation can resolve matters quicker than litigation.

Lawsuits can take years to come to an end. Mediations can take place at any time, even before a lawsuit is filed. A trial that might take weeks to complete can be resolved by mediation in a day or at most a couple of days. Most personal injury claims can be resolved by mediation in less than a day. Even business disputes or family disputes can be resolved in days rather than the years that lawsuits can drag out for. As a result, the emotional toll that a lawsuit can inflict on a party can be reduced exponentially and people can continue on with their lives.

4

Mediation will save time and expense.

Mediation is much less costly than litigation because it reduces attorney time and court time. Trials are very expensive in both time and money because witnesses have to testify, including experts, documents have to be produced, you may need video equipment to show a jury the exhibits, there may be a court reporter fee and of course there is attorney time. In a mediation conference there is really no expense other than the mediators fee, which the parties usually split and the attorney time, if you have one. Remember, mediation can take place at any time so there may be instances where a mediation can resolve a dispute before money is spent on expensive discovery.



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Mediation can bring finality to a dispute

If a dispute or lawsuit is settled in mediation, not only do the parties get relief from further emotional trauma and expensive litigation, they have the assurance that the dispute is at an end. With a trial, no matter what happens, a party has the right to an appeal, which can drag on for years. If the trial result is reversed by the appellate court, then the parties face the prospect of another trial. Resolving a dispute or lawsuit through mediation gives finality to the dispute. Of course, if one party decides not to live up to the settlement agreement, the other party can go to court to enforce the agreement, but that is a much simpler and quicker process than spending years in litigation, getting a judgment and then trying to enforce the judgment.

6

Confidentiality and Protection of Privacy

In almost any kind of litigation and trial, the whole process is public. Now that cameras are allowed in courtrooms, trials are really public. The world can now learn all kinds of private details about a party's life, health and finances. Sometimes these details can be embarrassing or damaging to business. By contrast, both by law and by contract, what is said or takes place at a mediation conference is confidential and cannot be publicized or used by either party in later litigation or outside the mediation. The mediator cannot testify about what was said or what went on at the mediation conference and mediation conferences are closed to the public and press.



7

A Mediator can help an attorney or party objectively evaluate his/her position.

A mediator is trained to help the parties evaluate their cases or positions themselves. Taking part in a mediation can help a party or his/her attorney really see the other side's position and as a result re-evaluate their position. An arbitrator can be an objective voice in letting each side know the respective strengths and weaknesses of their cases. Although it is not an arbitrator's job to tell the parties how a case should be settled or for what amount, there may be instances where the parties will ask the arbitrator to give his/her opinion on a particular legal question or what a fair settlement amount might be, which might make a party to rethink his/her position.