

The Legal Strategist

S. BARRETT P.C.

WWW.SBARRETLAW.COM

THIRD QUARTER 2022

TEXAS ESOTERIC FACTS

The advantages of mediation are almost endless, as most parties will voluntarily enter mediation to prevent a litigation suit that could cost significant time and money. Specifically, mediation is a process by which parties in conflict are given an opportunity to resolve the issues amongst themselves outside of the formal court system. It is a more informal process that is overseen by a neutral mediator with no prior dealings or relations to the parties. The mediator will help the parties communicate during the mediation and resolve the underlying conflict.

Dallas' corner of Elm and Houston streets has a sordid history. The building completed there in November 1898 was struck by lightning and burned to the ground in May 1901. By the fall of 1901 it was rebuilt. In that same building 62 years later, Lee Harvey Oswald allegedly shot President Kennedy from the sixth floor.

The Feature Topic is a cursory review. If you would like more information on this, or any other topic previously covered in my newsletter, which can be viewed on [The Legal Strategist](#) tab of my web site, please contact my office at 713.526.1883.

Scott Barrett

FEATURE TOPIC: **ADVANTAGES OF MEDIATION**

Mediation works. It is an effective means of dispute resolution for any dispute not requiring a judicial or third party determination. It provides a forum and an atmosphere in which parties gain understanding, become understood, and work together to explore options for resolution. By resolving disputes in mediation, parties determine for themselves what is important and, ultimately the outcome of the situation. While the benefits of mediation vary somewhat depending upon the nature of the dispute, and model of mediation applied, the following are some of the benefits typically associated with mediation:

RECOGNITION: In hearing and being heard in the mediation forum, parties gain the understanding of the other parties point of view, and an enhanced opportunity to be heard and understood themselves.

EMPOWERMENT: Parties are empowered to decide for themselves whether and how they would like to resolve a situation. This self-determination aspect of mediation often corresponds to higher aspirations of how individuals and businesses want to conduct their lives and do business generally.

SPEED: In resolving or narrowing disputes through mediation, parties avoid the delay of a third party or judicially decided outcome.

ECONOMICAL: In resolving or narrowing areas of disputes through mediation parties save an enormous amount of time, energy, and expense associated with protracted conflict and litigation.

CONFIDENTIALITY: While lawsuits are matters of public record, what transpires at a mediation is kept confidential. Whether a mediation occurs before or after filing of a lawsuit, any form of communication generated at a mediation is normally inadmissible evidence

QUALITY OF SETTLEMENT: Studies indicate parties entering into voluntary agreements through mediation are far more likely to adhere to and fulfill commitments made in such agreements than they are with judicially imposed resolutions.

REALITY CHECK OPPORTUNITY: In a private caucus, mediation can afford the opportunity to communicate important "reality check" information that may be easier for a client to accept from a neutral.

AVOID BAD OUTCOMES: Through mediation, parties avoid both the "win-lose" and "lose-lose", outcomes associated with litigation. Many parties who "win" in protracted litigation often find the overall time, energy, and monetary commitment associated with litigation comes at an enormous cost and loss. Those who lose in litigation surely feel even worse about such an outcome. Mediation can spare parties from all of this and enable them to move forward from disputes efficiently and effectively.

If you would like more information on this or any other topic covered in *The Legal Strategist*, please contact [Scott Barrett](#) to set up a consultation.