

REALMEDIATIONS™

Dispute prevention and resolution for real people, real business and real estate.

Mediate, Arbitrate, or Litigate

While the list of alternatives to litigation is growing, the key alternatives are arbitration and mediation. Let's compare the three:

	Mediation	Arbitration	Litigation
Decision Maker	The Parties (You)	Arbitrator	Judge
Rules of Evidence/ Process	Usually None/ Informal	Formal	Complex
Hearing Scheduled Within:	Days to Weeks	Months	Two Years+
Confidentiality	Confidential	Usually Confidential	Public
Cost	Low	Low	High

Control: In mediation, you (and the other parties) decide what the outcome will be. If a proposed resolution is not right for you, you don't have to accept it. In arbitration and court, a third party who may or may not understand the issues as well as you do is going to make the decision and you will be forced to abide by that decision.

Flexibility: In mediation, informality allows for a wider range of discussion and the resolution of important non-legal as well as legal issues. Court procedures will severely limit discussion to legal issues at hand. Arbitration is somewhere in between.

Speed: Not only does the mediation hearing usually take place months or years sooner than the arbitration or court case, once the hearing starts, the amount of time taken to reach resolution is usually substantially less than arbitration or the courts.

Confidentiality: Under California Law, a mediator cannot be compelled to testify about a mediation, and nothing you say in a mediation hearing may be used in court. However, if they wish, the parties can agree that once an agreement is signed by all parties, that agreement may be enforceable in court - the best of both worlds.

Costs: A typical court case might cost \$25,000-75,000 to litigate to conclusion per party, with each party paying their attorneys \$200-500 per hour per party. A typical business mediation can often be concluded in one day or less, with the party paying the mediator \$170-250 per hour split among the parties. In a two-party case, a day of mediation would cost about \$800 per party. Even in complex cases that could run several days, the savings over litigation is enormous.

It Works!! It has been consistently reported, across the country and under various forms of mediation, that if the parties come to the mediation voluntarily, 80-90% of the mediations result in a written agreement.

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jm@realmediations.com
www.realmediations.com
949-235-4140