

Mediation: Pro's and Con's:

Mediation is a court approved process whereby the parties, sharing the expense of a court certified mediator, attempt to reach a settlement prior to trial, and by so doing eliminate the risk of leaving the decision to a jury. It also allows resolution before incurring substantial additional expense of trial, including the cost you pay for your expert witnesses including your treating Doctors. Mediation is an informal process, handled by your attorney, with the client's involvement. No agreement can be reached without the client's understanding and approval

Pre suit mediation is a voluntary process which can often result in resolution without filing suit at all, and without the initial filing fees and service of suit papers expense which combined can be \$500 or more. Also, the attorney's fees are less under the Supreme Court approved contingency fee schedule if settlement is reached before suit. Not all insurance companies will agree to pre suit mediation, but it's almost always worth the attempt.

Con's of mediation: there are none. Even an unsuccessful mediation allows you to learn what the other side will argue at trial, which can then give you the opportunity to strengthen any weaknesses for trial. It helps crystallize the issues, and makes both sides seriously consider all aspects of the case at a time before giving up control to a jury of strangers.