

A Mediator is A Conflict Resolution Specialist Who Helps You Get to the Heart of the Matter: Celebrating Mediation Week, October 11-17, 2015

*Article by: Judith M. Keegan, Esq.
Executive Director, Alabama Center for Dispute Resolution*

Conflict in life is a given. The majority of the time we do not set out to hurt or injure another person. We have a bad day. We are tired. We have an accident. We make decisions that affect others.

How good it is to have a mediator, a trained conflict resolution specialist, to help you talk it out with the other people involved. To get to the heart of the matter, to turn what might have been sad, an economic loss, anger, a tragedy, to something of value, to something positive. And, to do it quickly not years later.

A mediator is a neutral who works hard to find the interests of the people involved and make sure those are known to everyone. Interests often involve more than just money, while money is the only thing available if the conflict is resolved in court. The interest behind a demand for a \$35,450 settlement may be the concern of future medical bills, the desire to purchase health insurance to cover unforeseen issues, wanting an apology, having to care for an individual, the need to find out what really happened. Or, all of those. A mediator's work also includes clarify misunderstandings, getting to the heart of the matter, exploring solutions, and finally reaching agreement. Mediators must listen deeply.

A mediation session usually begins around a table in a confidential setting, most often a conference room. Only the persons involved and their attorneys, if they want, are present. Usually refreshments are available all day, as well as lunch, if the mediation takes most of the day. It is informal. Everyone may ask for a break when necessary. Get up. Go outside. Walk. Think. There is a structure to mediation, sort of an unfolding of the story from both sides. The mediator creates an environment where everyone can do their best negotiation job, and guides the discussion so everyone has a chance to participate, and to ask questions, express sorrow, and release anger respectfully if they want.

In order to be of most help, the mediator will often spend private time with one person or group, and then the other. That way, the mediator may hear and ask questions that might not come out in a joint meeting but may be necessary to resolve the conflict. Information shared in these separate meetings is confidential unless the persons agree to share it.

As they work with the mediator, the people who know the most about the situation make the decisions, solve their own problems, and resolve conflict as promptly as possible. The mediation process promotes looking at options and improved communications. Both facts and feelings are considered. Mediation is voluntary and may be terminated by persons involved, or the mediator. When a conflict is already in court, the people involved may be ordered to participate in mediation, but an agreement is voluntary.

About 98% of all conflict that arrives in court will be settled before trial, and many cases will settle before ever getting to court. While some conflicts require a judge, using a mediator for conflicts that involve automobile accidents, negligence, divorce and family, elder care, employment, business, homeownership or rental, construction, contracts, personal or real property, small claims and other civil matters helps everyone get to the heart of the matter faster and with less cost. Most of us want and need that for our busy lives.

This fee is usually split by the persons involved and is most often significantly less costly than court. The Alabama State Court Mediator Roster at www.alabamamediatrix.org provides detailed profiles of trained mediators around the state, and the fee charged for mediation. The current Lee County trained mediators are: Phil Adams, Russell Balch, Jennifer M. Chambliss, Kevin Coonrod, Katie Crow, Cody Foote, Robbie Hyde, Richard Lane, Philip Thompson, and Philip Tyler.