

MEDIATIONWORX

Private Conflict Management



MEDIATIONWORX FAQs

WHAT IS MEDIATION?

Mediation is a private, voluntary process of resolving disagreements, usually conducted in a face to face meeting by a trained mediator. It is respectful and non-adversarial.

ARE MEDIATION AND ARBITRATION THE SAME?

Mediation and arbitration are sometimes called "alternative dispute resolution" or "ADR". While both offer an alternative to court litigation, they are not the same.

Arbitrations are usually voluntary but are sometimes required by a court; they may or may not be binding on the parties. The decision made by the arbitrator is called an award. After an award is made, resort to a court is restricted. (Although often called an "appeal", such court action is really a special proceeding to vacate or confirm an award.)

Mediation is voluntary; there is an agreement, not a decision; and resort to a court is open if the process fails; or to enforce an agreement.

HOW DOES A MEDIATOR DECIDE THE OUTCOME?

The mediator has no authority to decide the outcome. No decision is made for you; if the solution does not make sense to you, you do not have to accept it.

A mediator can point out issues, needs and options; offer suggestions, float proposals; and give a neutral unbiased opinion.

WHAT HAPPENS AFTER AN AGREEMENT IS REACHED?

Once an agreement is reached, it is enforceable in court the same as any other contract. But, studies show that once a party has agreed to a settlement, he is more likely to perform.

WHAT IF THERE IS NO AGREEMENT?

If no agreement is reached, you can still resort to court proceedings.

WHAT SHOULD I KNOW ABOUT THE MEDIATOR?

I am an experienced mediator, arbitrator and attorney admitted in N.Y. and N.J.; an accredited commercial mediator of New Jersey Association of Professional Mediators.

I have successfully completed a 40 hour Seminar in Civil Mediation, Institute for Dispute Resolution of Seton Hall Law School (1997). I completed an Advanced Mediator Skills Course (1998) N.J. Assoc of Professional Mediators seminar (1998); and; EEOC Employment Mediation (18 hours; 2002); NJ ICLE 40 hour course on family mediation (2004). I regularly attend continuing education courses on arbitration and mediation, as well as substantive topics of law.

I am included on the roster of court approved mediators for the New Jersey Superior Court, and serve as an approved mediator for NASD. I have participated in over 100 mediations in 7 years involving issues of customer/stock broker, employment discrimination, wrongful termination, commercial transactions, collections and contractor/ homeowner. Most of them were concluded in one session.

An arbitrator since 1985, I received a Distinguished Service Award from the NASD. In 1997, I was chosen by the NFA to act as Chairperson for single largest monetary award sought to date.

DO YOU GIVE A FREE CONSULTATION?

It is important that all parties have confidence in the neutrality of the mediator. Therefore, "consultations" are limited to a brief phone call unless all parties are included. I will provide parties with a brochure explaining the process.

WHAT ARE THE ADVANTAGES TO MEDIATION?

THERE ARE SIX REASONS TO MEDIATE:

- Time: Convenient and quick. Avoids congested courts.
- Money: Parties control costs. Because it is voluntary, any party can stop at any time.
- Confidentiality: No public record; no court reporter at any stage; strictly private.
- Flexibility: Parties can create own remedies such as trial periods, revised performance specifications, alternatives based on business practices.
- Control: Parties agree on outcome; costs; and scheduling; not a judge.
- Enforcement: Agreement can be enforced in court just as any other contract.

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