

Your Case At A Crossroads *Mediate Or Litigate?*



Leadership And Authority

Mediation

A mediator is a licensed and certified neutral party, working at all times to resolve the issue at hand and to end the conflict in a manner that benefits both parties. The mediator facilitates rather than mandates a resolution.

Litigation

A judge is well respected and trained in the intricacies of the law. The jury is made up of citizens doing their best to decide the most sensible and just outcome. The prosecution and defense are responsible for defending their clients' interests against each others' arguments.

Practice And Procedure

Mediation

Mediation is informal and isn't restricted to the confines of legal proceedings. Instead of speaking only to a judge and/or jury, the disputing parties sit down face-to-face with an opportunity to communicate directly and more freely with each other. This open discussion often leads to a more timely resolution.

Litigation

Litigation is technical, bureaucratic and complicated. The majority of conflicts never reach trial. In fact, 98% of civil cases are resolved outside of the courtroom. When disputes are brought to trial, both the plaintiff and the defendant must strictly follow every procedure detailed by the court. These procedures, however, differ from jurisdiction to jurisdiction and, in some cases, from court to court. The procedures of the legal system as a whole are a bit complicated, too. The outcome of your lawsuit is often decided on previous court rulings or precedent (case law), legislative acts (statutory law) and your rights as a citizen (constitutional law).



Participation And Attitude

Mediation

Participation in mediation is voluntary. When preparing for mediation, both parties make it a goal to cooperate and meet halfway to resolve the issue at hand.

Litigation

In court, both parties, and specifically the defendant, are obligated to attend all proceedings. Instead of looking for compromise, plaintiffs and defendants (represented by counsel) hold their respective ground and argue with each other in order to prove who is right and who is wrong.

Outcomes And Results

Mediation

With mediation, while a third party guides the process, plaintiffs and defendants negotiate their disputes directly. Generally speaking, mediation does not end until an agreement has been reached or one party decides they would prefer to bring the matter to court.

Litigation

In court, there is a distinct winner and loser. The ultimate decision of who is right or wrong lies with the judge and/or jury. Litigation is the last resort for settling a civil legal dispute.



Confidentiality

Mediation

Everything in mediation is confidential. No information should ever leave the room in which the dispute is mediated unless it's with the consent of both parties. Mediators cannot disclose information.

Litigation

The court is a public forum and the information from civil lawsuit cases is made available for those who wish to view its records.

Cost

Mediation

Time is money. Mediation is more cost-effective than taking your case to court because it usually doesn't take long and the fee for mediators is less than the fees amounted during a trial. Also, because both parties come to a mutual agreement, appeals aren't filed nor are attorneys usually hired to force defendants to pay.

Litigation

Time is money. Resolving problems in court takes time. After months of exhausting meetings and court appearances, legal fees can add up and take a huge bite out of your pocket.



To learn more about Howard B. Segal's unique approach to personal injury litigation – guiding you with clear instruction, professional expertise and compassionate support – visit him online at www.howardbsegal.com. To reach Howard directly or speak with a member of his firm, call 484.450.9660 or toll free at: 1.866.403.8483.