

WHAT IS A MEDIATION CONFERENCE?

A Mediation Conference is a process by which parties submit their dispute to a neutral third party who works with them to reach a settlement of their dispute. It is an extension of the negotiating process.

HOW DOES A MEDIATION CONFERENCE DIFFER FROM AN ARBITRATION OR ETHICS HEARING?

Arbitration and Ethics Hearings are less formal than litigation, and a Mediation Conference is even less formal than Arbitration or Ethics Hearings. Unlike a hearing panel, a Mediation Officer does not have the power to render a binding decision. A Mediation Officer does not hold evidentiary hearings, but conducts informal joint and separate meetings with the parties to understand the issues, facts, and positions of the parties. The separate meetings are known as caucuses. In contrast, Professional Standards Hearing Panels hear testimony and receive evidence in a joint hearing, based on which they render a final and binding decision.

In joint sessions or caucuses with each side, a Mediation Officer tries to obtain a candid discussion of the issues and priorities of each party. Gaining certain knowledge or facts from these meetings, a Mediation Officer can selectively use the information learned from each side to:

- Reduce the hostility between the parties and help them engage in a meaningful dialogue on the issues at hand;
- Open discussions into areas not previously considered or inadequately developed;
- Communicate positions or proposals in understandable or more palatable terms;
- Probe and uncover additional facts and the real interests of parties;
- Have each party better understand the other party's views and evaluation of a particular issue, without violating confidences;
- Narrow the issues and each party's positions, and deflate extreme demands;
- Gauge the receptiveness for a proposal or suggestion;
- Explore alternatives and search for solutions;
- Identify what is important and what is expendable;
- Prevent regression or raising of surprise issues; and
- Structure a settlement to resolve current problems as well as meet future needs and interest of the parties.

WHAT ARE THE BENEFITS OF A MEDIATION CONFERENCE?

The benefits of successfully mediating a dispute to settlement vary, depending on the needs and interest of the parties. The most common advantages are:

- Parties are directly engaged in negotiating the settlement.
- The Mediation Officer, as a neutral third party, can view the dispute objectively and can assist the parties in exploring alternatives that they might not have considered on their own.
- Because a Mediation Conference can be scheduled early in the dispute, a settlement can be reached much more quickly than in litigation.
- Parties generally save money through reduced legal costs and less staff time. (Fees for Arbitration are returned in case of successful mediation.)
- Parties enhance the possibility of continuing a business relationship with each other.
- Creative solutions or accommodations to special needs of the parties may become a part of mediation.