



WHY MEDIATION?



Why extol the **virtues** of mediation? Simply because it **WORKS**. Let me share just one example of how soul & asset destroying litigation can be. The parties had \$160,000 equity in their joint property which consisted primarily of their former home. The wife alleged that the husband had not paid the mortgage on time (he was occupying the property) and she brought an application to sell the home. Up to that point the parties had been trying to negotiate an outcome. The wife failed in her interim application, each party racking up in excess of \$7,000 in legal costs just in relation to that application.

The offers between the parties at first differed greatly, with one party arguing she should receive in excess of the actual pool of property that was available. The matter was set for trial in the Federal Magistrates Court, the parties prepared for trial but settled under the pressure of mounting legal costs. The outcome: the wife received far less than she originally wanted **and** incurred legal fees in excess of \$25,000. The total legal fees of both parties exceeded \$50,000, about 30% of their entire asset base. Who was the winner? Throughout all of this the biggest loser was the couples child who became embroiled in the adults litigious attitude to their separation.

What if (a favourite term of mediators) they had mediated their dispute? The cost: Probably \$5,000 or less in total.

THE VIRTUES OF MEDIATION

- **You** determine the outcome – **YOU** are in control of your own destiny
- It is more likely to lead to a more **harmonious parenting attitude**
- Builds relationships – **DOES NOT** – destroy them
- It is entirely **confidential**
- Its **cheaper** than litigation
- **Speedy** Results



Most importantly you will not be on the receiving end of litigious correspondence, soul destroying confrontation and seemingly endless legal costs. More often than not I have seen matters proceed to trial only to settle on the door of the court, usually on terms which could have been agreed much earlier. Typically there is correspondence between the parties' respective lawyers making offers, denying allegations, all of which means little at the end of the day.

Well just how does mediation work? See our article **Mediation – the Process**