
WHAT DOES ALTERNATIVE DISPUTE RESOLUTION MEAN?

Before going down the court route, ADR (Alternative Dispute Resolution) should be considered. Basically, alternative dispute resolution is an alternative to litigation / court.

In sensitive matters – in either business or personal life - ADR does not add to the conflict in question, where a Court situation can. It is a less stressful method for the individuals who are already involved in stressful situation.

There are many forms of ADR:

- Structured Negotiation
- Collaborative Law
- Mediation
- Arbitration We will now look at Mediation.

WHAT IS MEDIATION?

Mediation is a swift, cost efficient method of dispute resolution. It is based on the principle that people can resolve their own disagreements if given the right encouragement.

Mediation is a non-adversarial method of dispute resolution, one which facilitates the wishes of all parties involved in order to produce an appropriate result.

WHAT IS A MEDIATOR?

A mediator is not the decision maker but an independent, third party to the process. The function of a mediator is to facilitate a resolution between the parties.

A mediator does not judge who is right or who is wrong, but works with parties to help them arrive at a solution to satisfy their interests.

The mediator in a case will always remain impartial and act for all parties objectively.

John M. Lynch is an Accredited Mediator and often meets with people who are in dispute. His function at Mediations is to aid an agreement between the parties, not to decide the outcome for them.

There can be two separate rooms for the parties and if they are working well they can be brought together to deal with their dispute in a civil way.

One of the advantages of mediation is that the decisions are made by the parties themselves and this gives the parties much more flexibility than a court hearing.

WHY CHOOSE MEDIATION?

Mediation provides a confidential, quicker, more cost effective and more satisfactory outcome than going to Court. An outcome can be achieved in the course of a DAY!

It may take months and sometimes years to resolve a disagreement in court, whereas mediation can be paced according to the parties' needs and schedule.

Mediation is voluntary and requires both parties agreement to the make a final resolution. In mediation, the parties are able to customise the resolution agreement to meet their needs rather than being constrained by the limited options available in court.

Most importantly, parties are more likely to preserve an amicable relationship in the future, particularly because of the confidentiality of mediation.

WHY IS MEDIATION MORE USEFUL NOW THAN PREVIOUSLY?

Mediation is a process that can be adapted to suit any given situation where difficulties need to be resolved. It can be used to head off a dispute before it starts or to resolve a dispute that has already started.

As litigation is not the most suitable route for all of these parties, mediation is an important alternative in resolving disputes. It takes less time, costs less money and the parties are more likely to be able to solve the problem in a way that lasts and is more satisfying.

As mentioned previously, mediation is not confined to family law situations and can be used in a variety of dispute situations such as workplace or business conflicts.

At Lynch Solicitors we always encourage, where possible and in the best interests of all concerned, taking a route which saves both the expense and stress involved in contentious litigation.

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