

# Mediation

Mediation is a process in which a neutral third party (the mediator) helps two or more parties in conflict to reach a mutually acceptable agreement. The mediator facilitates communication, clarifies interests, and assists in the development of solutions. Mediation is often used in family disputes, workplace conflicts, and community issues.

The process typically involves several steps: 1. Identification of the parties and the conflict. 2. Selection of a mediator. 3. Initial meeting to establish ground rules. 4. Presentation of each party's perspective. 5. Exploration of interests and needs. 6. Generation of options and negotiation. 7. Agreement on a resolution. Mediation is a voluntary and confidential process that aims to resolve conflicts peacefully and efficiently.

Mediation is based on the principle of self-determination, where the parties themselves decide the outcome of the dispute. The mediator does not impose a solution but rather guides the parties through the process. This approach is often more effective and sustainable than litigation, as it allows the parties to maintain control over the process and the outcome. Mediation is also a cost-effective and time-efficient method for resolving conflicts.

There are several types of mediation, including: 1. Facilitative mediation, where the mediator helps the parties communicate and negotiate. 2. Evaluative mediation, where the mediator provides an opinion on the merits of the case. 3. Transformative mediation, where the mediator helps the parties change their perceptions and attitudes towards each other. 4. Shuttle mediation, where the mediator meets with each party separately. Mediation is a flexible process that can be adapted to various types of conflicts and parties.

Mediation is a valuable tool for resolving conflicts and promoting peace. It is a process that empowers the parties and encourages them to find their own solutions. Mediation is a process that is based on trust and cooperation. It is a process that is designed to be fair and equitable. Mediation is a process that is designed to be a win-win solution for all parties involved. Mediation is a process that is designed to be a positive experience for all parties involved.

# What is Mediation?

- A neutral party, known as a mediator, meets with parties and assists them in working towards reaching an agreement as to the issues existing between them.
- We cannot guarantee that an agreement can be reached.
- If an agreement is not reached, we still learn information about the other side's position (their strengths and weaknesses) and our strengths and weaknesses.
- The mediation process is confidential, and anything disclosed at mediation cannot be compelled for use in Court.

# Cost

Each mediator  
sets own rates

Both parties  
share the costs,  
unless agreed  
otherwise at  
mediation

Not included in  
your retainer

# Length

Can range from three hours to all day

May require a second mediation session

# Process during Mediation

- The mediator first goes over the process and how it will work to ensure that everyone has a common understanding.
- Issues are addressed as they are identified, and resolutions are explored for each one.
- Keep in mind the mediator does not dictate but interacts with the parties to help facilitate settlement.
- The mediator may provide suggestions for different resolutions based on discussions, suggestions based on past experiences, or even suggestions based on the individual needs of the parties.
- At the end a Final Hearing will be requested.

# Other Information

- The more preparation that can be done on these issues, the more streamlined the process will be.
- It is important to remember that a mediator is not a judge and cannot compel action or order the parties to do anything.
- Finally, keep in mind these two important pieces of information:
  - (1) Mediation is required for all contested actions in South Carolina; and
  - (2) You and your spouse will not be in the same room during mediation.