

BUSINESS

11.04.08



A camp for young people with special needs is seeking a new home. 2



Circuit closing shuttle 155 st including New J

DOW

5.18 Close 9,319.83

S&P 500

2.45 Close 966.30

NASD

5.38

ASK A LAWYER

Mediation best way to solve dispute

Q. I just got served with a complaint. Is there any way I can get a fair, quick and cheap resolution of this case?

It is no secret litigating a dispute in the courts can be a long, frustrating and expensive process. Although the New Jersey state court system has made progress in recent years in reducing the backlog of cases, it is still handling more than 160,000 pending civil cases. In this context, mediation of a dispute can be an extremely attractive alternative.

Mediation is a process in which the parties to the dispute jointly retain a specially trained and experienced third-party mediator. The mediator works with all parties to try to find a mutually agreeable resolution. Mediation does not require that any party accept a settlement. After making good-faith efforts in the mediation, any party may end the mediation and return to litigation. Mediation rules prohibit any statement or offer made during the course of the mediation from being admitted into evidence if the mediation does not result in a settlement.

The New Jersey court system administers a highly successful mediation program for several types of civil cases. Parties to a dispute may also voluntarily agree to retain a private mediator on their own. There are many highly qualified mediators available, including many former judges.

Since more than 98 percent of civil cases eventually result in both parties agreeing to settle the dispute, mediation offers a way to reach a settlement early, before both parties have spent substantial sums on attorneys' fees and other litigation costs.

Robert Dowd is a member of the litigation department of Cole, Schotz, Meisel, Forman & Leonard PA, the largest law firm in Bergen County. He can be reached at rdowd@coleshotsz.com, or 201-525-6349. This article is not intended to be legal advice, which can be given only after the attorney understands the facts of a particular matter and the goals of a client.

Do you have a business question for a lawyer? Send it to BusinessNews@northjersey.com.