

MEDIATION

VS

LITIGATION



PROS

- Cost-effective
- Faster resolution
- Flexible solutions
- Less adversarial
- Confidential



CONS

- Non-binding
- May not resolve all disputes
- Dependent on parties' cooperation



PROS

- Binding decision
- Clear legal precedent
- Enforced by the court



CONS

- Expensive
- Time-consuming
- Adversarial
- Public record

Perceptions In Litigation And Mediation

Daniel McGillis



Perceptions In Litigation And Mediation Perceptions In Litigation And Mediation:

Perceptions in Litigation and Mediation Tamara Relis, 2013 Grounded in interpretive theory and offering interdisciplinary insights from sociological psychological and gender studies this book addresses the question How do professional lay and gendered actors understand and experience case processing in litigation and mediation Drawing on data from 131 interviews questionnaires and observations of plaintiffs defendants lawyers and mediators involved in 64 fatality and medical injury cases the book challenges dominant understandings of how formal legal processes and dispute resolution work in practice It additionally challenges the notion that disputants and their representatives broadly understand and want the same things during case processing In fact the chapter s findings indicate repeatedly that notwithstanding legal benefits utilizing attorneys to assist disputants in resolving disputes is laden with difficulties as epistemologically each actor group essentially occupies different though parallel worlds In juxtaposing actors discourse on all sides of ongoing cases on issues such as expectations needs comprehensions of what plaintiffs seek from the legal system objectives for mediation and perceptions of what occurs during attempts at case resolution the findings reveal inherent problems with the core workings of the legal system By providing in depth views on the micro elements of case processing the book uncovers important issues about formal and informal justice the inextricability of disputants legal and extra legal needs and current paradigms relating to professional lay and gendered identities This book is unique in examining and understanding the workings of the legal system through juxtaposing lawyers plaintiffs defendants and mediators perceptions of litigation and mediation in ongoing litigated cases This has not been done before as access difficulties are immeasurable The book adds to the paucity of in depth empirical data from plaintiffs and defendants themselves on their motivations perceptions and extra legal agendas during litigation and mediation

Perceptions in Litigation and Mediation Tamara Relis, 2009-01-12 Offering interdisciplinary insights from sociological psychological and gender studies this book addresses this question how do professional lay and gendered actors understand and experience case processing in litigation and mediation Drawing on data from 131 interviews questionnaires and observations of plaintiffs defendants lawyers and mediators involved in 64 fatality and medical injury cases the book challenges dominant understandings of how formal legal processes and dispute resolution work in practice as well as the notion that disputants and their representatives broadly understand and want the same things during case processing In juxtaposing actors discourse on all sides of ongoing cases on issues such as expectations needs comprehensions of what plaintiffs seek from the legal system objectives for resolving conflict at mediation and perceptions of what occurs during attempts at case resolution the findings reveal inherent problems with the core workings of the legal system

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formal legal channels requires careful investigation Court Mediation Reform explores comparative empirical findings in order to examine the association between court mediation structure and perceptions of justice efficiency and confidence in courts

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