

# 5 Benefits to Using Mediation in Personal Injury Cases



Reed & Reed - Attorneys at Law  
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# WELCOME



*“I would first like to extend to you my appreciation for considering Reed & Reed for your mediation requirements. In attempting to resolve your dispute through mediation you have taken a major step in the right direction towards a successful resolution of your case. I promise to strive to effectuate a fair and reasonable settlement by using every ounce of my 20 years of experience in litigation.*

*Reed & Reed prides itself in providing the utmost in professionalism, sincerity, and respect for all of our clients. Your case will receive this firm’s full attention. If you have any questions please feel free to call the number below. I welcome all inquiries and am happy to answer any questions you may have regarding mediation, personal injury, or any other legal matter.*

*Thank you for your consideration.”*



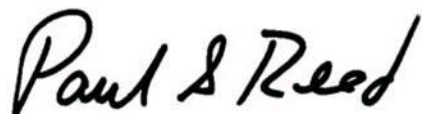
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I have been practicing law for over twenty years. Most of my experience has been in the area of personal injury, wrongful death, medical malpractice, etc. However, I have handled many criminal matters for my clients as well. I have argued cases in trial and appellate courts throughout Florida and the United States. Most of my clients are other lawyers representing either Plaintiffs or Defendants, but occasionally unrepresented parties seek my services. Most of my mediations involve cases in which suit has already been filed; occasionally, however, unrepresented parties seek out my services prior to initiating litigation.

I am a register Florida Supreme Court Certified Circuit Court Mediator in good standing with the Florida Bar. My primary goal in every case is to resolve the dispute quickly, efficiently, and to the satisfaction of both parties involved in the dispute. It is my conviction that everyone who enters my office is treated with the respect and dignity they deserve. Helping people resolve their real life problems is my foremost goal.

Reed & Reed maintains an extensive litigation docket. I believe that one can only be an effective lawyer, and by extension an effective mediator, only by remaining actively involved in the trial process. Some mediators have given up their litigation practices in whole or in part. I believe that in order to be an effective mediator one must keep abreast of the emotions and experiences a trial entails.

Thank you for considering hiring my firm for your mediation needs. I look forward to working with you.



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Personal injury cases can be emotional and difficult for those involved. Many people feel they did nothing to deserve the injuries they sustained and the last thing they wanted was to be involved in a lawsuit.

As a result of this emotional aspect, personal injury cases can be difficult to settle with insurance agencies. Many victims are left feeling insulted by low offers or simply not being treated with respect. This is why many personal injury cases go to trial.

An increasing number of judges are now ordering all personal injury cases into mediation before trial, as there are many advantages to bringing a personal injury case to mediation.

## **Benefit #1: Quick Resolution**

The judicial process can be cumbersome and tedious. Hearings must be held to determine all manner of facts and motions. Even if both parties are eager for a resolution they often come up against a crowded and methodical court calendar. But the fact is insurance companies have no incentive to speed up the process. The longer the delay the longer the insurance company can hold onto its money, and the more likely the victim will “cave” and accept a previously unacceptable offer simply to end the process.

Mediation can be much more efficient as it involves far fewer schedules to be coordinated. A skilled mediator can move the process along more quickly, and often a settlement check can be delivered within 2-3 weeks from an agreement.

## **Benefit #2: Privacy Protection**

The keyword in a personal injury case is the word “personal.” A trial is a public event; people are allowed into the courtroom and every statement is recorded for the public record. This sometimes means that embarrassing details must be made public – details about health, finances, or any aspect of the dispute deemed relevant by the other side’s attorneys and the judge.



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Unlike trial, mediation is a confidential process. There are no public records kept and neither the mediator nor the other parties can testify about anything said during the mediation process. Thus, even if the mediation fails to resolve the issue there is no risk of exposure.

An added benefit associated with privacy is the ability to vent: The injured party can speak their mind freely in mediation, resulting in a healthy sense of having said your piece and had your say. Even if the precise details do not always contribute to the final settlement, simply being able to say things without worrying about a future impact on your case can be a liberating experience.

## **Benefit #3: Control**

The single most distressing aspect for clients during a personal injury trial is their lack of control over the proceedings. Once the courtroom process is set in motion, they have no say in what is introduced, what testimony is given, what questions they will be asked, or even when they must appear or what documents they must provide. It all rests in the hands of a judge or the jury.

Mediation is much more manageable. In mediation, the parties are on equal footing. They not only have a say in the final agreement (if any), they have a say in the process itself: Where it will be held, who the mediator will be, the format it will follow, and what they are willing or unwilling to speak about or provide by way of data or documentation.

## **Benefit #4: Costs**

A trial can be a very expensive prospect. Aside from attorney's fees and court filing costs, there can be a lot of other expenses including investigator, expert witness, or research costs. If the trial goes badly for the plaintiff, these costs can become a crushing debt on top of their losses due to the injuries they've already suffered.



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Mediation, on the other hand, is much more affordable. The only real expense is the mediator's fee, which is usually shared between parties, and an attorney is not required (although you may wish to have one to advise you). The speed of mediation also contributes to a lower overall cost.

## **Benefit #5: Multiple Options**

Another clear benefit for mediation is the fact that it keeps options open. If negotiations break down and lead directly to a lawsuit, the decision rendered by the court or judge will be final; appeals may be possible, but that leads to more delay, more expense, and more embarrassing public revelation. In the rare cases where mediation fails to bring about a satisfactory resolution, either party can still opt to bring the dispute to the courts. Mediation leaves all options on the table and doesn't preclude any future action.

A final, less-definable benefit to choosing mediation to resolve personal injury disputes is the relief that is experienced when the dispute is put behind you so you can get on with your life. Whether you have achieved the settlement you desired or not, mediation's speed, flexibility, and effectiveness often means that you're able to put a bad experience behind you much more quickly than with a trial.

Mediation is not guaranteed to resolve all disputes all of the time, but it is certainly an effective option often superior to a trial – especially for those who have already suffered so much.



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