

# REBA Dispute Resolution, Inc.

*A Subsidiary of the Real Estate Bar Association for Massachusetts*

## ***Why Mediate?***

REBA Dispute Resolution, Inc. (REBA/DR) offers a full range of dispute resolution (DR) services, including case evaluation, mediation and arbitration. Our most popular service is mediation.

There are a number of reasons why mediation is preferable to trying a case before a judge or a jury. In general, DR is **cost-effective** (saves litigation and discovery costs) and **time-efficient** (produces prompt effective resolutions). REBA/DR can schedule a mediation session within days (and sometimes within hours!) of a request. A court case can take years to prepare for trial. A successful mediation will spare the parties many months of both uncertainty and anxiety.

Specifically, mediation provides an opportunity for creative, mutually-beneficial settlements. It allows disputants to explore underlying interests and future needs and enables them to gain a different perspective and to better understand each other's points of view. It addresses personal, emotional and relationship issues. It also provides more durable and satisfactory resolutions than decisions rendered by the court system – disputants have been found to more fully comply with an agreement that they have crafted themselves.

In sum, disputants often find that mediation offers an excellent process for resolving disputes as well as yielding very satisfactory outcomes.

REBA/DR provides a complete range of dispute resolution services with a distinguished panel of neutrals with extensive experience in real estate law. Our panel includes a number of retired judges. When a case is approaching trial, REBA/DR offers a cost-effective and high-quality alternative.

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### **Time**

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### **Cost**

The cost of a court case is, of course, in large part a function of the amount of legal time spent on a case. When the parties save time, they save money. Mediation sessions take far less time than the trial of a case in court; and, lawyers have to spend significantly more time preparing for a trial than they do for a mediation session. A successful mediation saves the parties substantial amounts of money in resolving their case.

### **Control**

A successful mediation results in a negotiated agreement satisfactory to both parties. With mediation, a party can agree on what is important, yield on issues that are relatively unimportant and compromise on central issues in a way both sides find acceptable (versus risks of trial).

In addition, REBA/DR permits the parties to agree on a mediator from our panel of neutrals. Parties can never choose the judge who will try their case; most other mediation services do not permit the parties to select their mediator.

### **Options**

A trained mediator will explore with the parties the strengths and weaknesses of their cases and present them with various choices for reaching an agreement. A mediator with both experience in the court process and expertise in the subject matter of the dispute can be very skillful in bringing the parties together and reaching a mutually acceptable solution. If the mediation does not result in an immediate agreement, the parties can use what they learned in the mediation session as a basis for future negotiations. The parties can also decide following mediation what other options are available to them, such as having the case arbitrated or going through with a trial in court.