

this relatively new Alternative Dispute Resolution process say that this requirement motivates all of the parties to focus on settlement, since the parties would have to hire new lawyers and start over if they wished to go to court.

This system encourages all parties invested in the process of interest-based negotiations to continue to find solutions to all the parties' problems. Just knowing that the lawyers you've chosen will never litigate your case also creates a sense of trust. You can be more open and less fearful of the process. This, experts say, also helps to result in an expeditious and fair settlement.

## MEDIATION ISSUES

### "Who shouldn't use mediation?"

Brahm Siegel, a family lawyer in Toronto, answers:

Let's talk about some of the advantages and disadvantages of mediation. It's a very popular tool that some people like to use for resolving their disputes. Clearly, one of the biggest advantages to mediation is that it's consensual, so no one can force you into mediation, and presumably, people who choose to use it want to use it. Another advantage of mediation is that lawyers are generally not present, especially when parenting issues are discussed. Lawyers are usually in the background. The final part about mediation that people like is that you get to choose the person who is going to help you resolve your dispute.

Now, there are some disadvantages too. The biggest one is that a mediator has no power over you, so you might like what a mediator says or recommends to your spouse, but that doesn't mean that a mediator can implement those decisions. A mediator isn't a judge. I would think that another disadvantage of mediation is that a mediator is not going to give you legal advice. A mediator may give you options or make suggestions, but a mediator's job is simply to get you to an agreement. So what happens sometimes is

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