NCRC WEST COAST RESOLUTION GROUP

The True Value of Mediation: A Creative, Human-Centered Approach to Conflict Resolution

by Laura Kass-Moreno

As a mediator, how often do you work with attorneys who are eager to negotiate demands and offers before the parties are ready to do so? The true value of mediation is too often underestimated in its ability to offer closure in a way that other forms of conflict resolution cannot. This article addresses the finer points of the mediation process, highlights how it can benefit both attorneys and their clients by utilizing a creative, human-centered approach, and offers tips for maximizing its benefits.

Mediation Works

One of mediation's greatest strengths is its flexibility. Mediation allows the people closest to the situation to craft customized solutions that meet their current and future needs. Creative resolutions are possible that are not typically available in court proceedings. In disputes that arise in the workplace, and in families, partnerships, and communities, mediation can repair damaged trust and rebuild connections. This takes some time, and it cannot be rushed.

Agreements reached through mediation have been shown to have higher compliance rates. Data taken from mediation cases with the National Conflict Resolution Center, the parent company of West Coast Resolution Group, indicates that there is a 90% compliance rate for resolutions reached through the mediation process. Court-imposed judgments, on the other hand, have a 40-53% compliance rate, according to the Georgia Center for Arbitration & Mediation[1]. When people

[1] Georgia Center for Arbitration & Mediation, Why Mediation Is Often Better Than Litigation: A Look at the Stats (Aug. 1, 2025), https://gcaam.com/why-mediation-is-often-better-than-litigation-a-look-at-the-stats/

participate in the formation of an agreement, they are far more likely to abide by its terms, proving that human-centered conflict resolution does work. It's not just about settling disputes, nor is it only about money. Rather, it's about helping people move forward.

Money Talks and Patience

A skillful mediator recognizes that parties, whether they are represented by counsel or not, want and need to be heard, and mediation provides that unique opportunity. Too many times, I've mediated cases during which attorneys jump too quickly to discussions about money, which prevents us from accessing the deeper underlying interests. While some attorneys or representatives may find these preliminary conversations to be tedious, they are essential to reaching a productive and meaningful resolution. Trust that your mediator appreciates that such dialogue is worthwhile and will address monetary issues when it seems like the parties are ready to do so.

Sharing Adequate Information

In order to reach a resolution, parties need to have adequate information. It is important to remember that it is not the mediator who has to be convinced of the merits of either side's position, the other party does. Since mediation is a confidential process, it allows participants to maintain privacy about what otherwise may be sensitive and potentially harmful information if it were to become public. Though exchanging briefs is encouraged, it seldom happens. Too often, attorneys take the position that they do not want to give "free discovery" to their opposition. However, without such information and transparency, how can either side make an informed decision or make a decision at all? Expecting someone to resolve a matter without clear information is like asking them to write a check without knowing the amount owed. At the very least, I encourage you to share information that supports your client's position with opposing counsel, and provide the mediator with additional information that you wish to remain confidential.

Mediation is about the people. Even if a case does not fully resolve in mediation, having participated in the process in good faith, the parties and their attorneys have a better understanding of each other's perspective than they did prior to the mediation. Too often, however, it's treated as a procedural hurdle — just another box to check to preserve the right to attorneys' fees if a case goes to trial. Reducing mediation to a mere formality misses its true purpose: creating space for real dialogue, understanding, and resolution. I invite you to think of mediation, not only as a way to resolve a dispute, but also as a way to offer true closure to your client. If you take a human-centered approach and help your client find the closure they seek, you will have served your client well.

LAURA KASS-MORENO

Ms. Kass-Moreno's vast experience includes civil litigation, representing both plaintiffs and defendants in complex business, employment and real estate matters, as well as handling a variety of insurance matters and claims. Ms. Kass-Moreno has been a credentialed mediator since 1999 with expertise in contract disputes, employment/workplace issues, personal injury/insurance claims, real estate and homeowner's association matters and has conducted numerous, multi-party facilitations involving a wide range of challenging issues. She is also a mediation/conflict management trainer for the National Conflict Resolution Center as well as a lead trainer on inclusive communication, diversity, equity and inclusion. Laura Kass-Moreno's years of experience provide her with the creative, strategic bandwidth to successfully mediate cases to resolution.

Ms. Kass-Moreno believes that as long as the parties are talking, there is hope for resolution and has built a reputation for being persevering yet patient, insightful and creative. Clients appreciate the fact that she uses every effort to settle a dispute.

For more information or to schedule a case,
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