

HOA Mediation Solutions (HOAMS)

Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time.

—Abraham Lincoln

Litigation is not the answer, especially when it involves friends and neighbors. Litigating is very expensive and there are never really any clear winners. Even those who "prevail" at trial usually spend far more in fees, expenses, lost opportunities and goodwill than what they recover. Sometimes, litigation is unavoidable, but all potential litigants would do well to consider mediation, and to consider it early.

What Is Mediation?

Mediation is an informal and confidential process that facilitates communication between litigants or potential litigants in order to better understand each other and resolve their dispute. The parties can be represented by an attorney but legal representation is not necessary. The mediation is conducted by a mediator, sometimes referred to as a neutral.

In addition to being confidential, the mediation process (as opposed to a trial or arbitration) is non-binding. In fact, the mediator does not render a decision and has no power to force the parties to settle their claims. Rather than determining who is right and who is wrong, the mediator's job is to understand the respective parties' positions and see where common ground and the potential for compromise exists. This helps all concerned to focus on solutions and the future rather than problems and the past.

Why Mediation Works.

The vast majority of mediations result in a settlement. Even when parties are entrenched in their positions mediation works. The primary reason for this is effective communication. (Not surprisingly, the primary reason for litigation is poor communication.) Mediation provides a unique environment where parties can work with a third-party to communicate effectively with the other side. There is no other process that affords parties the opportunity to sit down together with a neutral mediator, and without other distractions, and focus on resolving their problems.

This process of focused communication invariably results in better educating the other side about your position, and you being better educated about theirs. This heightened understanding usually reveals what points the parties can agree on and what compromises are possible to resolve the points they do not agree on.

Another key reason mediation works is that it takes emotion out of the process. Parties, and even their attorneys, are often emotionally invested to a significant degree in their claims. A mediator is not similarly burdened. A skilled mediator is able to filter the emotion and legal posturing that otherwise burdens communications, and instead focus on solutions.

Finally, mediation helps parties hear the mediator's honest opinion about their chances in court. A good mediator will have a great amount of litigation experience and will help the parties realistically evaluate the strengths and weaknesses of their case as well as the shortcomings of litigation in general.

By communicating effectively with the other party, removing emotion and posturing from the negotiating process, identifying areas of common ground and possible compromise, and obtaining a realistic and neutral assessment of one's case, mediation usually results in even the most difficult disputes being resolved once and for all.

Who I Am.

Trained at the Straus Institute for Dispute Resolution at Pepperdine School of Law, Greg Hoole is a skilled mediator and arbitrator. He has a great amount of experience in civil litigation and HOA disputes. He understands the emotion involved in litigation, especially when it concerns people's homes. He is adept at solving problems and bringing parties together. His work frequently takes him to locations throughout the state, which allows him to schedule mediations and not charge parties for his travel expenses.

To schedule a mediation, feel free to contact Greg directly at gregh@hoamediationsolutions.com.

Traditional litigation is a mistake that must be corrected For some disputes trials will be the only means, but for many claims trials by adversarial contest must in time go the way of the ancient trial by battle and blood. Our system is too costly, too painful, too destructive, too inefficient for really civilized people.

—Chief Justice Warren E. Burger, (Ret.) U.S. Supreme Court