

farm mediation bill under Senator Schmit's capable hands a number of years ago with all kinds of difficulty to his renewal of the program this year absolutely without comment and the support of everyone involved. Mediation is nonadversarial in the sense that it's not aimed at a third party to be the decision-maker and they're trying to win the allegiance of the judge. Mediation is simply assistance with negotiation between two parties. It's critical to understand that this process is very effective in a limited set of circumstances. Number one, the cost is lower than litigation. People can mediate without lawyers present. Secondly, it is not nearly as time consuming, that is to say waiting for mediation. If you undergo farm mediation today, you can get that job done in three weeks. You tell me a court of law in this state that you can get a trial in three weeks and I'll award you the Congressional Medal of Honor. You can't do it. So you have lower cost, it's done more quickly. Third, participants appreciate the mechanism of mediation because it's not the legal question that is at issue but the relationship question and, therefore, ranges of issues come up which may not be legal but are very much the question on the minds of contending parties. It may be some slight, some need for an apology, some bit of rhetorical excess or harsh words, those kinds of things keep people from agreeing with each other and law cases do not bring up these underlying issues. As a matter of fact, in many states mediation is now being used as a first step in divorce proceedings because people get to talk about underlying issues rather than simply the legal issues that they get to talk about in court. Fifth, in a measure of satisfaction of participants, a recent book I read on mediation research indicates that it's very common in the reported academic studies to find higher satisfaction with mediation than litigation. Why? Because people get to talk to each other outside the formality of the law, outside of the courtroom and they get to talk about what they want to talk about. They get to talk about their issues rather than what the lawyers tell them is "legally relevant." And the proof of the pudding is this, that even though mediation is a voluntary mechanism, in study after study the compliance rate with voluntarily agreed-to settlements which are not binding in a court of law have a higher compliance rates...rate, rather, than court orders. Let me repeat that because it is a startling, startling finding, that people who go through mediation and make voluntary agreements which are not binding in law honor those agreements in greater percentage than those people who go to court and are forced to comply to court orders. Court orders are evaded by