

Q&A with the Hon. David H. Ironson, J.S.C. (Ret.), Chair of the Firm's Alternative Dispute Resolution Practice Group

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Alternative dispute resolution continues to play an increasingly important role in civil litigation. Below, the [Hon. David H. Ironson, J.S.C. \(Ret.\), Chair of the Firm's Alternative Dispute Resolution Practice Group](#) shares perspectives on the value of mediation, how the process works, and what parties should know when considering it as an alternative to litigation.

What is mediation?

Mediation has become a widely used method for resolving disputes without the time, expense, and public exposure often associated with litigation. In mediation, a trained neutral facilitator helps parties identify common ground and negotiate resolution terms that work in the real world. Many disputes settle through mediation because it is cost effective and allows for practical solutions. Avoiding prolonged discovery, motion practice, and trial preparation can significantly reduce legal expenses.

Why choose mediation instead of litigation?

Mediation often delivers a faster resolution than court proceedings and gives parties greater control over the outcome, scheduling, and process. Cases that might take years in court can sometimes settle in a single session or through a series of structured discussions. Parties retain authority over whether and how a dispute resolves, and solutions can reflect business realities, personal priorities, or creative arrangements that courts may not have the flexibility to order.

How do you define the benefits of mediation?

Mediation is fundamentally about problem-solving and efficiency. It saves time and certainly saves money. It is private and confidential, and it provides a degree of finality that litigation often cannot. At trial, juries are unpredictable, and you never know what a jury is going to do. With mediation, litigants control their own outcomes and can develop creative solutions. As I often told attorneys while on the bench, “The best case is a settled case. You don’t know what a jury is going to do. Mediation gives parties more control over their own fate and clarity about what they are getting.”

You spent 17 years as a New Jersey Superior Court judge. How does that background translate into mediating disputes?

Over those 17 years, I presided over hundreds of jury trials and countless contested matters. That experience helps me quickly identify legal strengths, weaknesses, and settlement pressure points, which can guide parties toward realistic outcomes.

My judicial background also brings an appreciation for both legal nuance and the human dynamics behind disputes. Effective mediation requires listening, diplomacy, and a genuine commitment to helping parties reach consensus.

The discipline of managing jury trials also translates well to mediation. It helps maintain structure, momentum, and focus while recognizing the emotional stress parties often experience as they work toward resolution.

Is mediation the same as arbitration?

No. Mediation and arbitration are both forms of alternative dispute resolution, but they serve different purposes. In mediation, the neutral facilitates discussion to help parties reach a mutually acceptable settlement, often memorialized in a written agreement.

In arbitration, the arbitrator acts more like a judge, conducting a streamlined private hearing and issuing a decision on liability and, when appropriate, damages. Arbitration may be binding, meaning the parties

waive the right to trial and appeal, or non-binding, which preserves the option to proceed to court if the award is rejected.

Is mediation confidential?

Yes. Discussions generally remain private and are not admissible in court. This confidentiality can protect reputations, business interests, and sensitive personal information, which is often particularly important in employment disputes, medical malpractice matters, and commercial conflicts.

Does mediation reduce stress?

Many participants find mediation less stressful than litigation because the process is less formal and focused on collaborative problem solving rather than adversarial positioning. This can make difficult disputes easier to navigate emotionally.

Is mediation successful?

Mediation has a strong success rate across a wide range of disputes. Even when a case does not settle immediately, mediation often narrows issues and lays the groundwork for later resolution.

What types of cases are suited to mediation?

Mediation is frequently effective in:

- Automobile accident claims
- Slip and fall and premises liability cases
- Medical malpractice disputes
- Wrongful death matters
- Products liability cases
- Employment conflicts
- Construction disputes
- Chancery disputes

Closing Perspective

Mediation allows people to resolve disputes thoughtfully, efficiently, and with dignity. In many cases, it provides a more predictable, practical outcome than litigation while preserving relationships and reducing the emotional and financial toll of a prolonged court battle. For more information, please contact [Judge Ironson](#).