

# MYTHBUSTERS GUIDE TO:

## Mediation

**Mediation is a process that seeks to settle disputes with the help of an unbiased, independent third party (the mediator).**

### MYTH #1

#### It's a waste of time

In fact, it can save time. A court case can linger for 12 months or more. Once arranged, mediation takes place swiftly and can usually be resolved in one day. The mediator works with both parties to create a commonsense solution for everyone involved – reducing the need to go to court.

### MYTH #2

#### My reputation will be harmed

No. The process is completely confidential to the parties. The mediator won't share private information with the other party unless given permission to do so and no one involved in the process will be able to use the mediation details in court if a solution isn't found.

### MYTH #3

#### Facing my opponents will be too stressful

A court case can be much more stressful, particularly if the case runs for a long time. By starting mediation before problems are entrenched, you could solve issues before they become unwieldy. The mediation process is also more informal, which can make it less stressful. More often than not, the parties remain in separate rooms and the mediator shuttles between them.

### MYTH #4

#### It will be too expensive

In mediation, both parties share the cost and there is no need for either side to have their lawyer present. The shorter timeframe of mediation also means that costs are reduced.

### MYTH #5

#### A court ruling is the only way to achieve a certain outcome

Settlements reached by mediation are binding and legally recognised. A mediation agreement can also be more flexible and personal than a court order made at trial as it's developed and shaped by the people involved.

### MYTH #6

#### I'll be pressured to attend

Mediation is a voluntary arrangement, so both sides have to agree to participate. However, if one side is seen to have 'unreasonably' refused to mediate, the court could penalise them with costs whether they win or lose.



**HATCH  
BRENNER**  
SOLICITORS



If you are finding a current situation stressful and would like to explore if mediation could help, please contact Mark Fitch, Partner and CMC Registered Mediator on 01603 660 811 or [markfitch@hatchbrenner.co.uk](mailto:markfitch@hatchbrenner.co.uk)

Find us on Theatre Street in Norwich city centre.  
Web: [hatchbrenner.co.uk](http://hatchbrenner.co.uk) Twitter: @hatchbrenner