

What to Expect at Your Mediation

A guide for parties preparing for the mediation of a legal matter

WHAT MEDIATION IS

Mediation is a structured, confidential negotiation guided by a neutral mediator. It is not a trial and not a hearing. No one testifies, no one is cross-examined, and no decision is imposed. The goal is a resolution that you and the other side agree to.

THE MEDIATOR'S ROLE

The mediator remains neutral, does not represent either side, and does not decide who is right. The mediator will not give you legal advice; that is your attorney's role. What the mediator does is organize the day, keep the discussion productive, help each side weigh its options realistically, and carry proposals between the parties.

BEFORE THE DAY

Your attorney prepares you. Your attorney will explain the strengths and risks of your position and discuss what a realistic outcome might look like.

Agreement to mediate. The terms of the mediation, including confidentiality, are confirmed in advance and explained before substantive discussion begins.

Authority to settle. Anyone whose approval is needed to reach an agreement should be present or readily available.

THE DAY ITSELF

Most mediations are scheduled for a half-day or a full day. Bring your calendar and plan for the full time.

The session may open with everyone together, or the mediator may begin by meeting with each side separately. Both are normal.

Much of the day is spent in separate rooms, with the mediator moving between them. What you tell the mediator in private stays private unless you say otherwise.

Your attorney is with you throughout. You can ask for a break or for time to talk privately at any point.

Progress often comes late in the day. Patience is part of the process.

REACHING AN AGREEMENT

Any agreement is voluntary. Nothing is binding until you and your attorney have reviewed it and you have agreed to it. If terms are reached, they are usually written down and signed before everyone leaves.

IF THERE IS NO AGREEMENT

Not every mediation ends in a settlement, and that is not a failure. Parties often leave with a clearer view of the case, of the other side, and of what a resolution could eventually look like. Discussions sometimes continue afterward.

HOW YOU WILL BE TREATED

Whatever the outcome, you will be treated with respect, professionalism, and understanding throughout, and you will have a real opportunity to be heard.