

To, or Not To Mediate

In Texas mediation is a tool that is favored and, in most cases, a required prerequisite to a final hearing. Mediation involves the parties, their respective attorneys, as well as a neutral third party mediator. The cost of mediation varies according to whether the mediation occurs with a county sponsored center or with a private mediator. While the mediator is neutral, in the sense that he or she has no direct interest in the outcome of your case, they are specially trained to achieve settlement and they will use several mechanisms to reach settlement, including exerting pressure on the parties.

It is extremely important that your attorney be present for mediation so you have an advocate who can advise you of your options and make sure you are not making decisions solely as a result of effective settlement tactics employed by the mediator. It is crucial that you make the best decision at mediation because once a settlement agreement is reached it is almost impossible to undo absent special circumstances.

Mediation, at its best, saves litigants unnecessary expense, allows the parties to control the outcome of their case and avoid the uncertainty of the court room. Mediation, at its worst, binds a party to an agreement which could be unfair and one-sided and deprives the party of having their "day in court."

Mediate, but do so wisely, with the advice of trusted counsel.