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What are the Disadvantages of Mediation?

Mediation can be a very useful way to resolve some legal issues out of court, especially in cases where emotions run high, such as divorce. However, mediation has its disadvantages, which are often overlooked.

What is mediation?

Mediation is a **process** in which two people meet out of court to resolve their argument with the help of a third neutral person, called the mediator. It is one of many " **alternative dispute resolution** " options, which provide other ways to resolve cases instead of going to court. Mediation has many **advantages** : it is often quicker, easier, less expensive, and can provide a more complete solution than going to court.

What are the disadvantages of mediation?

Mediations are not ideal ways to get to the truth of the matter. In a courtroom setting, lawyers have many tools to get people to testify and produce evidence that are not available to mediators.

Much of court room procedure is designed to keep things fair to both parties. Mediation typically has no formal rules. This means that if one party is timid and the other is loud and aggressive, the timid person runs the risk of losing some of what is legally owed to him. Mediators have some skills that may help restore balance, but there is a limit to what they can do.

Some experts in abusive relationships do not believe that mediation is appropriate in cases where there has been domestic violence. They believe that mediation might just provide another way for the abuser to harm the victim. Depending on the nature of the victim's injuries, she may not be able to assert her position in mediations informal setting.

Finally, mediation may not be successful and the parties may not reach an agreement on their dispute. In those cases, the parties will have to go through the time-consuming and expensive process of trial after wasting their time and money in mediation.

For further resources, see FindLaw's **Mediation** section. Also, see how **mediation can be applied** in divorce cases.

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