

Publications

Mandated Mediation: An Effective Dispute-Resolution Tool

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Despite authorization by federal statute, mandated mediation is a controversial concept.

Why it is controversial is a mystery. After all, judges order litigating parties and their lawyers around all the time, requiring them to do a multitude of different things. So why are they bashful about ordering parties into mediation?

The controversy centers around the expressed ideal that mediation is an “entirely voluntary” process and cannot be mandated. This ideal is held by many people everywhere. One problem with the ideal is this: Mediations are in fact mandated in many court systems — and are highly successful.

In his article, published in the September issue of the *American Bankruptcy Institute Journal*, Don Swanson explores the benefits and effectiveness of mandated mediation and why despite its controversial nature, it is an effective dispute-resolution tool.

Read the full article at the link below.

PROFESSIONALS

Donald L. Swanson

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