

Mediation And Other Stuff

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Over the last few years there have been several cases in the UK where courts have penalized parties for refusing to mediate. There have been hints of this in some Ontario cases as well, especially in the condo and insurance field. Philip Hesketh, a well known mediator in the UK has collected the cases in a paper. It may be of use to you so I thought I would pass it along in a special issue of my newsletter.

Hi Colm,

The courts have been dishing out some fairly severe costs penalties recently to parties who have unreasonably refused to mediate. The decisions have serious implications for anybody advising a client in litigation.

I've rounded up the cases and written a paper on them so you've got it all in one place. You can get it from [my website here](#) or you can [download it directly from here](#).

If you have been frustrated by people wheeling out the Halsey reasons to avoid engaging with you in mediation you will find plenty of examples of the courts rejecting those grounds.

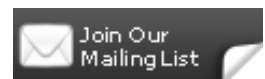
*Feel free to share the paper with
your colleagues.*

Regards,

Phil



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