

Mediation: It's Not Just for Wimps Anymore

Remember the staring matches you had as a kid? The whole object was to avoid being the one to blink first. Whether you had a terrible itch or Mother Nature was calling your name, you had to show that you could hold out and withstand the pain longer than the other guy.

In some ways, the attitude still provides the backdrop for many a business dispute, particularly once the dispute is in litigation. Yet, if your goal is exercising smart business judgment, that approach doesn't make much sense. Why face escalating legal bills and continued risk of an uncertain court decision simply because you don't want to be the first one to suggest a mediated settlement? Savvy business owners and managers are realizing that they can and should be proactive in exploring mediation to resolve their disputes. They don't hesitate to tell their legal counsel, upon developing the legal arguments and evidentiary basis of their case, to expeditiously pursue mediation.

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