

Mediation – remote or in person?

02 May 2023  Emma Marshall

Mediation has become commonplace in the resolution of commercial disputes. Now that restrictions have been lifted following the pandemic, does this mean it's all over for remote mediation?

While there has been a return to the use of in person mediations, remote mediations remain an alternative option. They continue to result in successful settlements and offer both time and cost savings, in terms of travel costs and the availability of what would otherwise be travel time at the start and end of the day. They are arguably more efficient in terms of the parties' resources. However, there are some downsides.

The act of physically sitting in the same room as your opponent still has a substantial psychological impact. This is especially so where the dispute is difficult to resolve or there has been unreasonable behaviour in prior discussions. The effort and cost of travelling to the mediation can also make physically walking away a more difficult decision than clicking a button to leave a virtual process.

There is no right or wrong answer - the decision to mediate remotely or in person will depend on each case and remote mediation is likely to remain an option for years to come.

Key contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

Related expertise

Services

Commercial dispute resolution

Commercial law

Dispute resolution and litigation