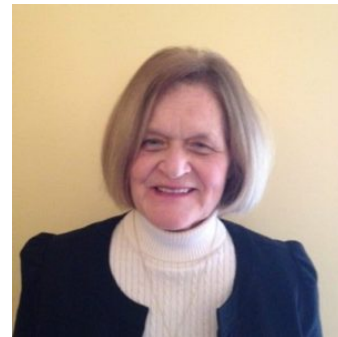


## CELEBRATING OUR 25TH YEAR IN BUSINESS

### Debunking Arbitration, Mediation Myths in Health Care Litigation

In my 25 years as a trial lawyer, I have often heard the same comments from attorneys and clients on the efficacy of mediation and/or arbitration in the resolution of litigation. Regarding mediation, I have often heard that no one is ever satisfied with the results of a mediation. Regarding arbitration, the mantra has been: At arbitration, the arbitrator "splits the baby" in an effort to keep all the parties happy. In this article, I would like to debunk these "myths" by highlighting some of my experiences as a trial attorney for the defense in both mediation and arbitration.



Kate McGrath, Esquire

First, however, I would like to explain what I view the role of a defense attorney to be especially in the setting of health care litigation. I have always believed that my role in this area is to be a facilitator for resolution. The defense attorney must look at a case honestly and with the advice of experts determine whether the case is defensible or not. That determination puts the matter on a course to advance resolution. In cases where jury trials were not optimal for resolution, I always considered mediation as a vehicle for resolution. However, my clients often initially rejected that path because of a sense that we were giving away the case.

It was therefore my task to educate my clients on the positive aspects of mediation. When the sympathies of the case were clearly with the plaintiff and the defendant had exposure, I worked to persuade my clients that we could retain a mediator chosen and respected by both sides. The work of the mediator was to enhance the dialogue and hopefully bring the parties together. [READ MORE](#)

To schedule a mediation or arbitration with [Kate McGrath](#) or any of our [neutrals](#), please email [mcarney@adroptions.com](mailto:mcarney@adroptions.com) or click below:

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