

Alternative Dispute Resolution
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Navigating sexual abuse mediations: A strategic guide for lawyers

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Successful sexual abuse mediation hinges on choosing a trauma-informed mediator, preparing clients thoughtfully, and balancing advocacy with professionalism to foster resolution and healing.



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Sexual abuse cases present unique legal, emotional, and procedural challenges that require thoughtful strategy at every stage--especially when selecting and working with a mediator. For lawyers, the right approach to mediation can significantly impact resolution, client healing and case outcomes.

1. Select a mediator experienced in sexual abuse cases

Not all mediators are equipped to handle the complexities of sexual abuse matters. As counsel, it is critical to choose someone who understands the legal

nuances and, equally important, the emotional weight these cases carry. A mediator with relevant experience can foster trust, maintain credibility and help move parties toward resolution.

2. Prioritize a trauma-informed process

Your client's sense of safety and trust is essential. Survivors often come into mediation with understandable hesitation or distrust. A mediator who is trauma-informed--someone who listens carefully and creates a respectful environment--can make the difference between resistance and meaningful engagement. As their lawyer, your role includes ensuring that environment is in place.

3. Prepare thoroughly before mediation

Pre-mediation preparation is especially important in sexual abuse cases. Work with the mediator to assess whether all parties are ready--emotionally and practically--to engage in settlement discussions. Early exchange of demands, evaluation of insurance or coverage issues, and coordination among multiple parties or firms can prevent delays and misalignment.

4. Guide your client through the concept of "fairness"

In these cases, "fairness" is deeply personal and often extends beyond monetary terms. Survivors may seek acknowledgment, accountability or closure. Defense clients may be navigating institutional history and responsibility. As counsel, you must help your client understand these competing perspectives and prepare them for how those dynamics may unfold in mediation.

5. Be strategic about advocacy and client participation

Sexual abuse mediations require careful decisions about how advocacy is presented. Some clients may want to share their experiences directly; others may prefer that counsel handle all communication. Work closely with the mediator to determine what approach best serves your client's goals while maintaining a productive negotiation environment.

6. Set expectations for timing and resolution

Not all cases resolve on the day of mediation. It is important to prepare your client for the possibility of continued negotiations. A mediator who remains engaged post-session can help bridge remaining gaps. As counsel, maintaining communication and managing expectations during this period is key to sustaining progress.

7. Lead with professionalism, sensitivity and purpose

Sexual abuse mediations require a balance of strong advocacy and genuine empathy. The tone you set as counsel--respectful, thoughtful, and focused--can influence the entire process. By approaching mediation with both legal rigor and human awareness, you help create the conditions for resolution and, where possible, closure.

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