

## WHEN CAN CONFIDENTIALITY AT MEDIATION BE OVERRIDDEN?



Central to the success of mediation is the concept of confidentiality: parties are encouraged to negotiate openly and realistically, unfettered by concerns that what they disclose in the process might be used against them in the future, in legal proceedings or otherwise. Provided at common law, and typically reinforced by a mediation agreement to which the parties sign up, this protection is seen as sacrosanct by mediators and clients alike. But, as a recent decision in the High Court reminds us, it is not unqualified...

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