

FOR IMMEDIATE RELEASE:

Malicious Mediation: When Mediators and Lawyers Hide Abusive Tactics Behind Confidentiality.

Be Afraid as Growing Mediation Abuse Promotes Injustice without Retribution

HOUSTON, Texas, Oct. 23, 2019—Wendy Meigs, Texas Pharmacist and Founder of SMA Education and Support warns the public about the current evolution of mediation into a malicious “kangaroo court” to promote predetermined self-serving outcomes for mediators and lawyers as mediation confidentiality enhances the abuse of the already vulnerable.

Mediation numbers continue to escalate as judges push citizens to negotiate outside of court especially with limited resources as seen in Harris County. But is mediation the same as court? Some strive to promote that fallacy.

Victims of divorce court tell a different story. 70-year-old Gladys A. never wanted to experience what she did at mediation. Gladys said, “My lawyer didn’t prepare me...” Missing information and extreme pressuring forced Gladys to settle for far less. As the main earner and spouse after 50 years of marriage to an adulterous husband, Gladys felt betrayed from the abuse at home, an abuse sustained through mediation. Was allowing the manipulation of an abused woman justified? Who really is to blame for the deceptions at mediation to this woman, a trusting, misinformed, and abused woman? And is this the justice the public believes exists in the mediation versus the courtroom?

By definition: “Mediation is a private process in which an impartial person encourages and facilitates communications between parties to a conflict and strives to promote reconciliation, settlement, or understanding.” This private process called “confidentiality” contributes to abuses and manipulation of unaware citizens contrary to a courtroom where the exposure of standards of conduct and ethics limit outright abuses.

Becky A. argued that forced into mediation before understanding all facts led her to settle for two million dollars less on a jointly owned building. Had all facts been present, Becky would never have agreed. “Once I discovered the true building value, my lawyer said my signature on the agreement prevented renegotiation,” stated Becky. Confidentiality and mediation terms prevent her from a further fight whilst an abusive process goes unchecked.

Mediators hold positions of power during mediation as the overseers and creators of a fair and impartial mediation. This power allows the misdirection of participants for the mediator to achieve his goals as participants trust in a mediator’s impartiality and fair mediation. What level of misdirection is allowed?

Wendy M. claims that after her husband left a family divorce court-ordered mediation over community property before it started, she was threatened by her lawyer to stay and comply with everything asked... or risk losing her company. Then her lawyer disappeared for four hours leaving her isolated without representation. During this time, the mediator allowed the opposing

counsel to leave mediation to buy alcohol, then allowed the opposing counsel to pour her alcohol twice before her lawyer ever entered the room, and did so before signature. This victim of divorce abuse and mediation abuse holds a confession email implicating her lawyer and the mediator in abusive tactics. When is confidentiality too much? Why didn't anyone at mediation act with professional responsibility and protect her? Will these people be punished or allowed to skirt the law? As members of this society, are judges impartial? Some say no.

Several organizations and credentialing associations attempt to restrain actions within mediation and mediators by creating boundaries through the promulgation of Rules...Rules not always adhered to by the mediators. Organizations such as the Texas Mediation Credentialing Association promote a series of rules they expect those credentialed under them to follow. But what if a participant has proof that their mediator failed to follow those rules promoted by the mediator as credentialed by that association? Will the association reprimand or turn a blind eye? Who is the mediator responsible to when he manipulates and corrupts a mediation or does he use confidentiality in mediation created to protect clients as a tool to protect the mediator?

Although mediators must follow ethics guidelines written by the Supreme Court of Texas, many do not as reported by several divorced individuals, many with successful mediations. Victims try to fight back against the abuse, and mediators and lawyers throw confidentiality back as if claims of confidentiality allow any conduct by the mediator and lawyer to go unaddressed, free reign to do as they want. According to victims, free reign to abuse exists. Will judges continue to turn a blind eye?

How tight is that reign? Victims are beginning to fight back. Lawsuits are on the rise. The process is slow and cronyism and corruption of judges block justifiable claims against mediators; however, growing discontent in society swells as citizens find similarities between the barbaric methods of the strong suppressing the weak as in the medieval ages to the similarity of hidden abuses in mediation under the guise of confidentiality that forces the fulfillment of predetermined outcomes. Thus, the current process pairs Barbarism and Mediation, in methods. Is this a civilized society?

When should mediation not be confidential? Confidentiality should fail with every claim of abusive tactics and victim manipulation by mediators and lawyers, by those promoted to be impartial yet create an environment of abuse and fear. The mediation society needs to take a stance against abuses, honor that no one is above the law, and create boundaries as in courtrooms to enhance justice rather than allow an environment where the sole objective of mediation lies in clamoring for a signature at any cost to the participants to prove success to the court, a success for the assurance of more mediations and hence more money.

Money corrupts and money lies at the core of mediation abuse. Add the desire for more referrals from lawyers, what prevents a mediator from playing to that lawyer's agenda in order to receive more mediation referrals and hence more money. Why else would a mediator and lawyer allow the abuse of a participant? Whose agenda and purpose is mediation? Mediator? Lawyer? Participant?

Serious inquiries into mediation abuses must be addressed. Mediators can be sued and should be sued to ensure the protections of the participants, to promote responsibility and accountability of mediators, and to ensure that barbarism and mediation are not synonyms.

Take a stand for victims and against the protection of mediators. Take a stand for the people. Refuse confidentiality in mediations.

1. Supreme Court of Texas. Docket: 05-9107, Approval of Ethical Guidelines for Mediators.
http://www.txcourts.gov/All_Archived_Documents/SupremeCourt/AdministrativeOrders/miscdocket/05/05910700.pdf
2. Texas Mediator Credentialing Association. Standards & Ethics.
<https://www.txmca.org/index.php?page=10>
3. Model Standards of Conduct. ABA & AAA.
https://www.mediate.com/articles/model_standards_of_conflict.cfm

About SMA Education and Support:

Wendy Meigs founded SMA Education and Support in immediate response to an abusive mediation. Having experienced normal mediations, Meigs realized the vulnerability of the already vulnerable under the guise of impartiality and the abusive potential of blanket confidentiality. SMA Education and Support (Stop Mediation Abuse), a For-Profit organization, assists and educates on the potential abuses of mediation. We are NOT lawyers. We are everyday people. Together, we can Protect the Public. Visit www.SMANow.Org. Help Stop the Abuse.

For Media Contact:

Wendy Meigs, R.Ph. MBA
President
support@SMANow.Org