

Mediation of Civil Claims and Business Disputes

Attorneys

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Overview

A business dispute that reaches litigation rarely ends on your timeline or your terms. Court dockets in Massachusetts are crowded, discovery is expensive, and trials produce binary outcomes that leave little room for creative resolution. Mediation offers a fundamentally different path. It places the parties, not a judge, in control of the outcome and allows for solutions that no court has the authority to order.

Cohen Cleary provides mediation services for civil and commercial disputes throughout Massachusetts and Rhode Island. Our attorneys bring commercial litigation experience to the mediation table, which means we understand both the pressure points that drive settlements and the legal frameworks that make those settlements enforceable. For businesses weighing their options, mediation consistently delivers faster resolution and lower cost than litigation, with the added benefit of confidentiality that keeps sensitive commercial information out of the public record.

How We Help Resolve Civil and Business Disputes Through Mediation

Our mediation practice covers the full range of civil and commercial conflicts: contract disputes between vendors and customers, partnership disagreements over management or distributions, shareholder conflicts, real estate disputes, and tort claims where ongoing business relationships make litigation counterproductive. We also handle multi-party disputes where traditional bilateral negotiation has stalled, and a structured process is needed to break the impasse. Whether you need a skilled contract dispute mediator or a neutral facilitator for a complex commercial disagreement, we approach each matter with the same level of preparation we bring to trial work.

We handle mediation at every stage. Pre-suit mediation, before a complaint is filed, often produces the most efficient outcomes because the parties have not yet invested in adversarial positioning. For cases already in litigation, we work within court-ordered mediation frameworks in the Massachusetts Superior Court and District Court, where judges increasingly direct parties to mediation before trial. In our experience, the parties who prepare for mediation with the same discipline they would bring to trial preparation consistently achieve stronger results.

Every mediated resolution we facilitate is reduced to a written agreement that can be submitted to the court for enforcement. This is a critical distinction from informal negotiation: a properly drafted mediation agreement carries the weight of a binding contract and, in many cases, can be incorporated into a court order.

Why Businesses Choose Cohen Cleary's Mediation Attorneys

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our mediation work, this approach helps clients navigate commercial disputes with clarity, efficiency, and confidence.

Our Approach to Business Mediation

Parties who view mediation as a sign of weakness are often the ones who spend the most on litigation. We tell our clients that mediation does not mean concession. It means you are choosing to retain control over the outcome, something you permanently surrender the moment a judge or jury takes the case.

Our preparation for mediation mirrors our preparation for trial: thorough factual development, clear damage calculations, and a realistic assessment of your litigation alternatives. We build that analysis before the first mediation session, so you walk into the room knowing exactly what resolution is worth and what it will cost to pursue the alternative.

Serving Businesses Throughout Massachusetts and Rhode Island

Cohen Cleary provides civil dispute mediation and commercial mediation services from offices in [Taunton](#) and [Plymouth](#), Massachusetts. Our commercial mediators handle cases across southeastern Massachusetts and Rhode Island, with familiarity in the procedural expectations and court-annexed mediation programs of Bristol County, Plymouth County, and Norfolk County courts. Clients in Rhode Island benefit from the same preparation and strategic approach we bring to Massachusetts matters. For businesses operating across the region, the firm has the capacity to serve clients throughout New England.

Schedule a Consultation With a Business Mediation Attorney

If your business is facing a civil or commercial dispute and you want to explore a resolution without the cost and uncertainty of litigation, contact Cohen Cleary to discuss how mediation may serve your interests. We are prepared to help you evaluate your options and move toward an efficient resolution.

Frequently Asked Questions About Business Mediation

Is mediation legally binding?

Mediation itself is a voluntary process, and no party can be forced to accept a particular outcome. However, once the parties reach an agreement, the mediator reduces it to a written settlement that functions as a binding contract. In many cases, that agreement can be submitted to the court and incorporated into an enforceable order.

When should a business pursue mediation instead of litigation?

Mediation is most effective when the parties have a continuing business relationship they want to preserve, when confidentiality matters, or when the cost and timeline of litigation would exceed the value of the dispute. Pre-suit mediation, before positions harden and legal fees accumulate, often produces the strongest outcomes. Courts in Massachusetts also regularly order mediation for pending civil cases.

What types of business disputes can be mediated?

Virtually any civil or commercial dispute is suitable for mediation. Common examples include breach of contract claims, partnership and shareholder disputes, vendor and customer conflicts, real estate disagreements, and tort claims between businesses. The process works best when both parties have a genuine interest in resolution rather than a desire to establish legal precedent.

How does mediation differ from arbitration?

In mediation, a neutral third party facilitates negotiation but has no authority to impose a decision. The parties control the outcome. In arbitration, the arbitrator acts as a private judge and issues a binding ruling. Mediation preserves flexibility and party control; arbitration trades that flexibility for finality.

