Fiona Cain in The Times: Japanese Knotweed Case Boosts Mediation

By Fiona Cain | December 7, 2023

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Haynes Boone Litigation Counsel Fiona Cain was quoted in the December 7 edition of *The Times* discussing the recent decision of *Churchill v Merthyr Tydfil Borough Council*, where three appeal judges ruled at the end of last month that court proceedings can be stayed and litigants ordered to participate in alternative dispute resolution. The decision is likely to trigger a rise in mediations in England and Wales, not least because for the past two decades parties could refuse to mediate by relying on the judgment in *Halsey*.

“Compulsory mediation following Churchill will increase the number of mediations that take place each year,” Fiona Cain, a lawyer at the firm Haynes Boone, says. She adds that “reluctant parties could make these a box-ticking exercise that risks reducing the effectiveness of mediation”.

Cain notes that in its most recent ruling the Court of Appeal “deliberately chose not to provide a score sheet for judges to determine when to order alternative dispute resolution; but the factors listed in *Halsey* and *Churchill* will be familiar and continue to feature in future decisions”.

To read the full article from *The Times*, click here.

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