



# Perceptions in Litigation and Mediation: Lawyers, Defendants, Plaintiffs, and Gendered Parties

*Tamara Relis*

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## **Perceptions in Litigation and Mediation: Lawyers, Defendants, Plaintiffs, and Gendered Parties**

Tamara Relis

Grounded in interpretive theory and offering interdisciplinary insights from sociological, psychological, and gender studies, this book addresses the question - How do professional, lay, and gendered actors understand and experience case processing in litigation and mediation? Drawing on data from 131 interviews, questionnaires, and observations of plaintiffs, defendants, lawyers, and mediators involved in 64 fatality and medical injury cases, the book challenges dominant understandings of how formal legal processes and dispute resolution work in practice as well as the notion that disputants and their representatives broadly understand and want the same things during case processing. In juxtaposing actors' discourse on all sides of ongoing cases on issues such as expectations, needs, comprehensions of what plaintiffs seek from the legal system, objectives for resolving conflict at mediation, and perceptions of what occurs during attempts at case resolution, the findings reveal inherent problems with the core workings of the legal system. By providing in-depth views on the micro-elements of case processing, the book uncovers important issues about formal and informal justice, the inextricability of disputants' legal and often overriding extra-legal needs, and current paradigms relating to professional, lay, and gendered identities.

This book is unique in examining and understanding the workings of the legal system through juxtaposing lawyers', plaintiffs', defendants' and mediators' perceptions of litigation and mediation in ongoing litigated cases. This has not been done before, as access difficulties are immeasurable \* The book adds to the paucity of in-depth empirical data from plaintiffs and defendants themselves on their motivations, perceptions and extra-legal agendas during litigation and mediation. The findings additionally offer insight into how female and male lawyers practice law, and how female and male plaintiffs and defendants experience legal processes.

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