



Conflict Management Associates, LLC

Mediation, Arbitration, Negotiation, Training, and Coaching

Representing Clients in Mediation

Why do Some Mediations Fail?



They Fail Because:

- Unreasonable Client Expectations
- Behavior of Lawyers
- Maldiagnosis by Mediator
- Wrong Process

Maximizing Settlement Possibilities

Pre-Mediation Meeting



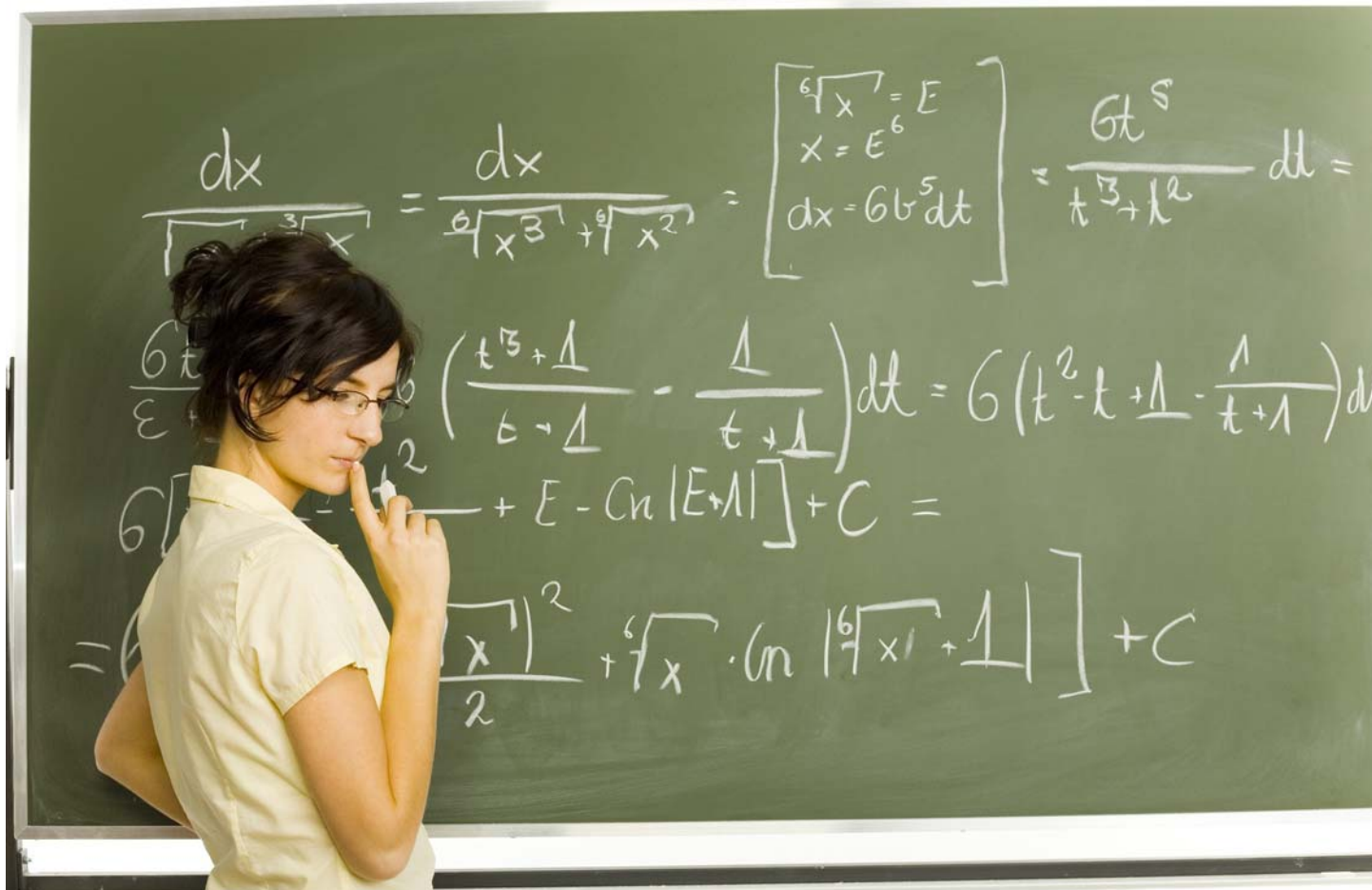
What to Accomplish

- Process/Ground Rules
- Mediator Style
- Who will attend?
- Pre-Mediation Submissions

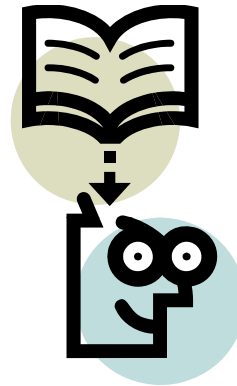
Pre-Mediation - continued

- Logistics
- Procedural Status
- Client Needs

Process



Mediator Style



Stakeholders

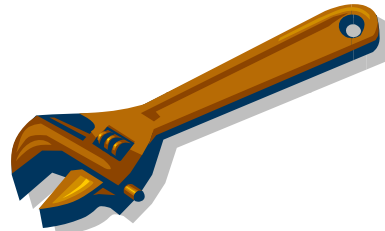
- Decision-makers
- Insurance Carriers
- Spouses
- Key Players
- Constituents

Miscellaneous

➤ Submissions



➤ Logistics



➤ Procedural Status

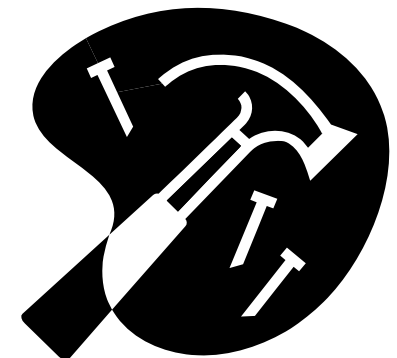


➤ Client Needs



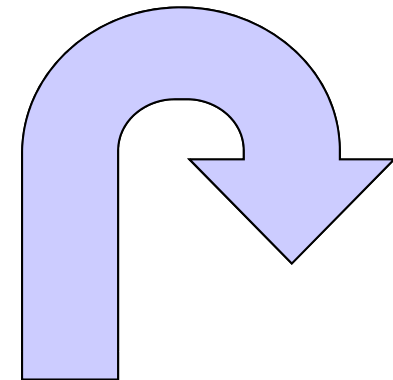
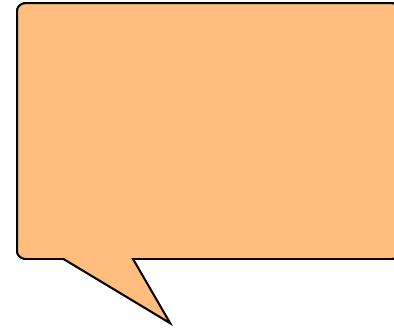
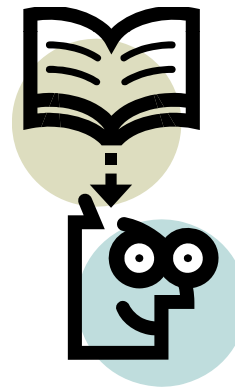
Establishing Comfort

1. Demographic Facts
2. How can Lawyers Help?
3. Attorney-Attorney Issues
4. Attorney-Client Issues
5. Building Boxes



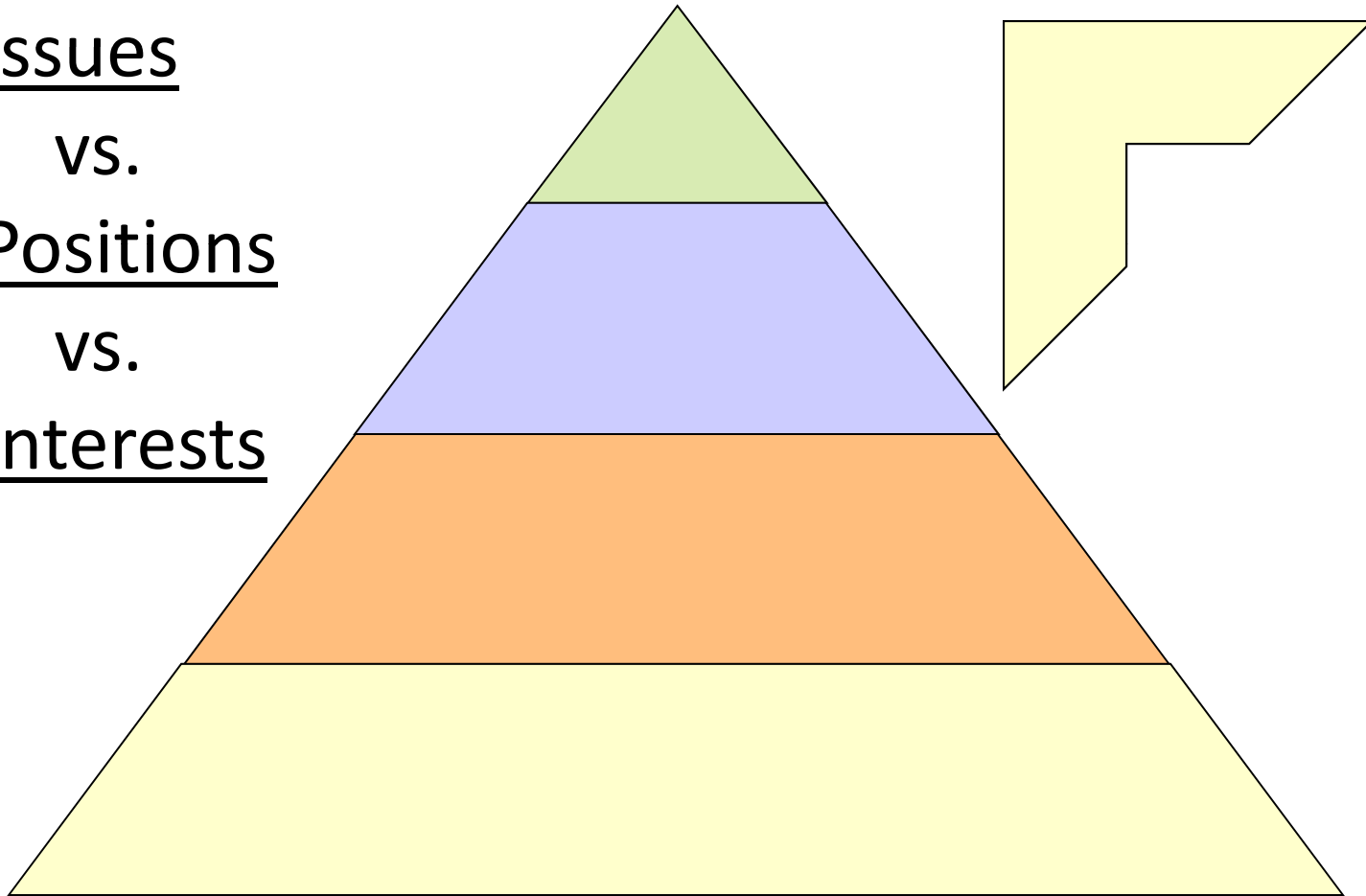
Preparing Clients

- What's a caucus?
- Bring a Book
- What to Expect
- Understanding Priorities



Mediator Lingo

- Issues
vs.
- Positions
vs.
- Interests



DO's for LAWYERS

➤ Quasi-asst. Mediator



➤ Cost-Benefit Analysis

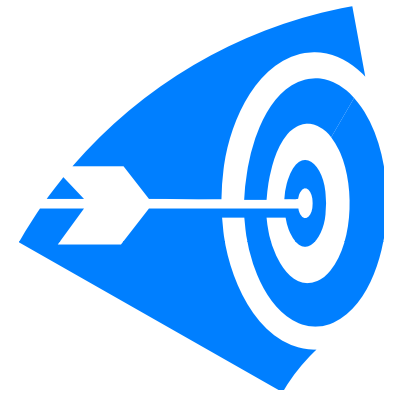


➤ Creativity

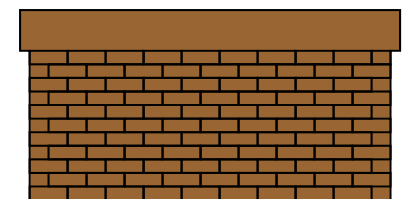


DON'Ts for LAWYERS

➤ Don't take the Bait



➤ No Second Balcony



➤ Don't be Rigid

What if the Mediator is the Problem?

- Ex Parte conversations are okay!



- Double-team the Mediator



Simulation

- Your turn:
- Great Tours, Inc. v. Nelson Bus Co.



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Any Questions?

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THANK YOU!