



PREPARATION STRATEGY FOR ATTORNEYS

MOTIVATION

- Determine client's motivation (*reason for attending/benefits to them*)
- Address mediation benefits:
 - Less expensive than other forms of dispute resolution.
 - Less formal than other ADR processes or trial.
 - Shorter time frame.
 - Confidential/no public record/no precedent.
 - Flexible process that encourages creativity.
 - Settlement is theirs.

RESPONSIBILITY

- Check to determine if all the right parties will attend?
- Clarify what "*full settlement authority*" means.
- Remind them that the mediator is not a decision-maker—they are.
- Emphasize that finding a resolution belongs to the participants.

PRE-MEDIATION

- Review elements of the process: steps, confidentiality and any exceptions, caucus, etc.
- Determine if the client has enough information to participate in the mediation.
- Provide assignments, so the client is prepared.
- Determine level of emotion driving the controversy.
- Identify mediator's fees and/or charges associated with the case.

TRUST

- Emphasize confidentiality.
- Reiterate that mediator is not a decision-maker.

ENVIRONMENT

- Identify a neutral site for the mediation.
- Anticipate what is needed to make participants comfortable.
- Disclose any special needs or accommodations to the mediator in advance.