Make Mediation Work To Your Advantage

Allow Your Client To Be The Center Of The Process.
Mediation offers your client the opportunity to tell their story. Often, the opposing party gains a better understanding of your client's interests when they hear from them directly. This process also gives your client the chance to feel heard, which can help them move forward.

Permit The Mediator To Speak Directly To Your Client.
Often, a mediator will reframe your clients' interests to give the opposing party a better understanding of your client's needs. This frequently helps parties in the search for a mutually beneficial resolution.

Tolerate Emotional Venting.
Many attorneys are hesitant to let their clients participate fully in mediation. However, the emotional release experienced by explaining their position often allows them to let go of the conflicts and focus on finding viable solutions for the future. A skilled mediator separates the people from the problem and helps the parties to focus on working together, attacking the problem rather than attacking each other.

Don't Give Up Too Quickly.
Mediation is a process – give it time to work. A mediator will call an impasse if he or she believes there will be no movement toward a settlement, but often as parties speak confidentially to the mediator in caucus the mediator can sense movement that is not apparent to the parties.

Prepare Your Client For Mediation.
Encourage your client to participate in the process and put forth a good faith effort. When preparing your client for mediation, please explain that this is a real opportunity to resolve the dispute in an environment where the parties control the outcome, as opposed to a judge or jury deciding their fate.

Use The Mediator.
This is especially valuable if your client has unrealistic expectations. Let the mediator present a different point of view or perhaps a reality check. Recognize that the interest initially expressed by your client may change. Often the real interests of the parties surface during mediation.

Be Creative And Flexible.
Mediation gives parties an opportunity to brainstorm ideas and possible solutions that may be outside the normal remedies available through the court. Often the best resolutions are unique to the situation and different from anything the parties had proposed before the mediation began.

Remember: The Dispute Belongs To The Client.
Your role in mediation is to act as an advocate for your client, ensuring that his or her legal rights are protected. Follow your client's lead and allow him or her to make decisions about how to move forward. Often, through the mediation process clients change their minds about what is important and what they are willing to accept to avoid dragging the conflict out any longer.