

Resolution is the Best Solution

A perspective from a mediator and attorney
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Three Stages of Mediation

**WE NEED TO GO
TO MEDIATION!**

**DURING THE
SESSION**

**WRAPPING
THINGS UP**

We need to go to mediation!

- Selecting the mediator
- Document exchange
- Meeting with your client
- Conversation with opposing counsel

During the session

- Opening session - joint or private?
- Initial meeting with both attorneys and the mediator?
- Introduction: start with the basics
- Do you have what you need?
- Narrowing the issues
- Making progress? Need a recess?
- Time to draft!!

Wrapping things up

- What type of settlement documents?
- Who drafts?
- Documents after mediation concludes?
- Mediator report

Ethical considerations

1. Drafting
2. Offers
3. Tiebreaking provisions

- Who is allowed to draft? Is it binding?
- Can offers violate ethical rules?
- Who finalizes language?

Enforcement

Is it enforceable? Is it signed and notarized?

A. Exhaustion?

B. Fraud?

C. Regret?

D. Ambiguity?

The background of the slide is a solid red color. In the center, there are three large, overlapping circles of a light gray color. The circles are arranged in a horizontal row, with the middle circle slightly overlapping the other two. The word "Questions?" is written in a large, bold, black serif font across the middle of these circles.

Questions?

The background of the image consists of three large, overlapping white circles arranged horizontally. These circles are set against a solid yellow background. The circles overlap in the center, creating a continuous white shape that spans most of the width of the image. The text "Thank You!" is centered within this white area.

Thank You!