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A GUIDE TO MEDIATION

Mediation is a process in which a neutral person helps the parties and their lawyers reach a mutually satisfactory agreement that will end their lawsuit or dispute. As you approach the Mediation, try to keep the following thoughts in mind.

- The Mediator's role is to be neutral. The Mediator will not attempt to decide who is right or wrong.
- It is not enough to impress the Mediator; you have to impress the other side.
- Don't expect the Mediator to evaluate the case. The parties and their lawyers generally know more about the case than the Mediator will learn during the session.
- People are far more willing to compromise with those whom they respect and whom they find to be reasonable and courteous.
- Do not risk damaging your credibility through exaggeration or false statements.
- Give the other side everything they need to "hang their hat on."
- Be fully prepared so that you can negotiate from a position of strength.
- Try not to take the case too personally; separate the people from the problem.
- Be prepared to agree with your opponent when he or she is right.
- Have two numbers in mind: (a) what you will demand or offer (not your "best case number"); and (b) what you really hope to get. But be prepared to keep an open mind. Don't adopt a bottom-line approach.
- Be ready to stay until the case is resolved or until the mediator says that an impasse has been reached. Some cases will take more than one session. Do not be discouraged if the case does not initially settle.