



## 5 Tips to a Successful Mediation

- **Targeted Preparation Prior to the Mediation** – Always provide the mediator with a comprehensive brief outlining your client’s position and don’t forget to respond to other’s side’s position so that the mediator learns the information important to your client prior to the start of the mediation. This will allow the mediator to focus on the disagreements between your position and the other side’s position from the outset of the mediation to assist in efficiently resolving the dispute.
- **Have Reasonable Expectations for the Mediation** - Remember that successful mediations require compromise and generally neither side gets everything it wants coming into the mediation. Manage your client’s expectations prior to the mediation to give your client a stronger chance of resolving the dispute.
- **Sufficient Disclosure of Information Prior to the Mediation** – Do not spring new material information on the other side for the first time at the mediation. Both sides need plenty of time prior to the mediation to review and evaluate critical information to enable them to make informed decisions regarding how the dispute can be resolved. Simultaneous exchange of mediation briefs at least 7 days before the mediation is recommended.
- **Stay Open to All Possibilities of Resolution** – The parties should come in to mediation with an open mind and let the mediation completely play out before deciding what resolution should look like for your dispute. Do not close off any possibilities that may come up during mediation that can lead to a swift resolution of the dispute.
- **Sometimes Think Backwards to Move Forwards** - Prior to the mediation think about what the terms of a potential settlement may look like and then consider what is necessary for your client to disclose during the mediation to get to those settlement terms.