



EFFECTIVE MEDIATION PREPARATION

and

OVERCOMING IMPEDIMENTS

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THE PROCESS

“Dispute resolution is a term that refers to a **number of processes** that can be used to resolve a conflict, dispute or claim. Dispute resolution may also be referred to as alternative dispute resolution, appropriate dispute resolution, or ADR for short.”

Mediator's Role

and

Biases

Not a sign of prejudice when mediator provides an opinion or analysis contrary to the client's position.

The role of a "neutral" does not prevent forming opinions regarding the validity of each side's positions and arguments.

PARTICIPATION

The importance of proper attendance

Considerations under the
MAP General Order

The “Zoom Boom”

Protocols (The “cat filter”, dress,
etc)

Socio-economic



ADR Goals

Accomplish in part through:

Sharing statements?

**Pre-mediation
communications?**

PREPARATION

Written Materials and Other Considerations

EXPECTATIONS



- Setting and controlling
- Distinguishing emotion and principle
- Starting numbers
- Unreasonableness and equivalent retaliation

SUCCESS



Defining how one looks at success through mediation.

RECOGNIZING IMPASSE

Why it
happens?

What to do?



External factors

Timing, media messaging, bills coming due,
etc.



Ways to deflect



Take a time out or break

CLOSING

Consideration of
non-monetary
terms

Term Sheets

Carmelcrisp, LLC v. Putnam, No. 19 C 2699,
2020 U.S. Dist. LEXIS 152982 (N.D. Ill., E.D.,
Aug. 11, 2020)

Marett v. Metro. Transp. Auth., No. 19-CV-
5144 (GBD), 2020 U.S. Dist. LEXIS 221867
(S.D.N.Y. Nov. 24, 2020)

QUESTIONS?

