



## **Mediator Insights: Practice Tips for Attorneys Based on Lessons Learned Over 10 Years as a Mediator**

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Now that I have hit double digits as a neutral, I thought I would share some mediation practice tips for attorneys based on lessons learned over the last 10 years.

**Be Prepared.** I prepare for every mediation, and you should too. You should know the case and also your client. You should consider the information you will need to evaluate settlement offers, including how to access that information. You should consider different settlement contours, including any potential nonmonetary components.

**Be Informed.** Being informed is an important part of preparing for mediation. Preparation involves more than understanding the facts and law of the dispute, it includes being informed about the business implications of the dispute and any possible settlement, as well as the compounding risks if the case does not settle.

**Be Candid.** Help me to help you. I generally talk to counsel for each party before mediation. These discussions are an opportunity for me to learn not only about the case but also about the dynamics at play. Please be candid.

**Be Flexible.** While advocacy is part of every mediation, remember that you are there to settle, not to try your case. Agree to disagree about the facts and the law. Focus instead on the common goal of resolution and be open (flexible) to ways to reach resolution.

Every mediation is unique. Being prepared, informed, candid, and flexible increases the likelihood that we will find a path to a fair and sustainable resolution.

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