

Mediation Strategy

2019 Car Crash Seminar

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Topics

- What does the Mediator need?
- What do “the others” need?
- What helps? What doesn't? Some Ideas...

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Gimme, Gimme, I Need, I Need

- Submissions/Telephone Conferences/**Emails**
- How many people/parties/alignments (active participants v. indemnified parties)
- Who is attending?
 - In person vs. Telephone/Video-conference.
 - Prior agreement between parties is a MUST. Can lead to instant end to mediation.
 - Plaintiffs – with little exception, you really...really want them present (they can hang up on you)
 - Adjusters – prefer present. Make sure they are going to be available.
 - Warm body/stand in model vs. actual adjuster.
 - Others that should attend – *anyone who plays any role in the decision*
 - The dreaded last minute call to the spouse/uncle/cousin who thinks he's a lawyer, etc.
 - These people need to be a part of the process. You need to identify if they exist.

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Gimme, Gimme, I Need, I Need

- If not attending, who else needs to be readily available?
 - Anyone who has their hand out wanting a piece/say of the pie (pref. addressed pre-mediation)
 - Health Insurance – Subrogation
 - Medical Providers – Hospital Liens, chiro's, PT, etc.
 - Workers Comp Adjusters – Statutory liens
 - Partners, Corp higher ups, HR, spouses, etc.
 - You don't want to get to the end of a mediation and have puzzle pieces missing
- Case Background
 - Timeline = Deadlines, Trial Date, Depositions (have parties met?)
 - Prior Offers/Demands
 - Who are the lawyers?
 - Who is carrier? What office is handling claim? – Differences b/w carriers and current approach to claims
 - Brief – Factual & Legal issues in dispute
 - Bring focus to those issues, avoid distraction, are those the real issues?
 - BRING YOUR RECORDS!!

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Title search: Mediation Strategy

Also available as part of the eCourse

[Car Crash Case Strategies: Judicial and Mediator Perspectives](#)

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"View From the Mediator"