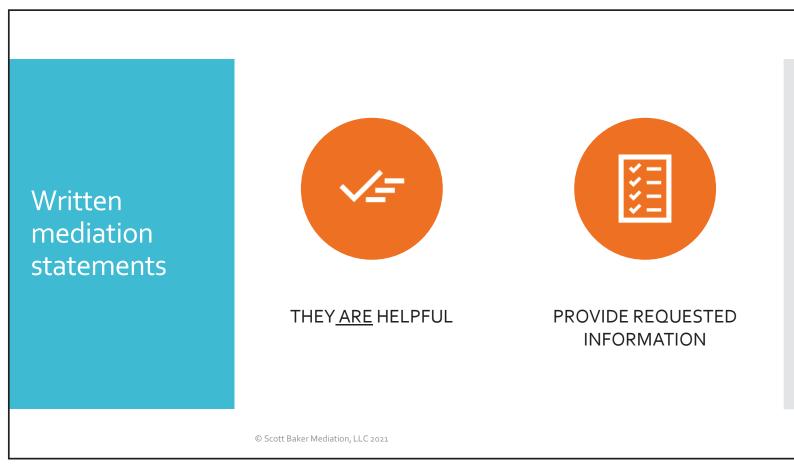
Getting the Most Out of Your Mediation: Tips to Maximize Your Mediation Time

UT Law CLE August 12, 202



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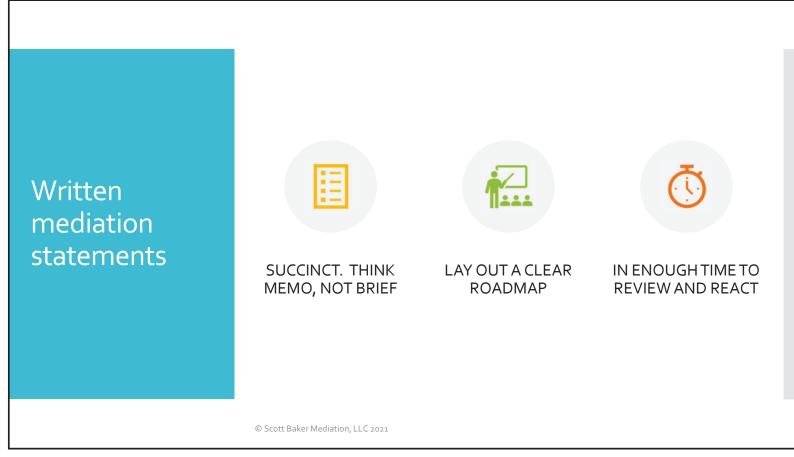
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### Information that helps your mediator prepare

- · Facts and law that support your client's case or a favorable settlement for your client
- Key documents, case law, statutes, and rulings in your case (key parts highlighted)
- Summary of discovery that has been done and that remains
- Status of pending motions that will affect the negotiations
- Summary of settlement discussions—who has made offers to whom and responses
- · Summary of categories and amounts of damages that your client will seek at trial
- · Identify each decision-maker and mediation attendee
- Key insurance information (*e.g.* policy limits, subrogation reimbursements) and a summary of the status of insurance coverage (*e.g.* whether coverage for defense or indemnity are being disputed, *etc.*)

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# Pre-mediation conference

5



Take advantage of it to help the mediator help the parties

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## Trend: fewer joint sessions and opening statements

Concern that the cons:

- Takes time and desire to "get down to business"
- Think know what everyone's position and what will be said
- Emotions are high/will be counterproductive

#### May outweigh the pros:

- Opportunity to hear what is important to the other side
- Explain where your client is coming from
- Clients get to say what is important to them
- Set the tone—get mediation off on right foot

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### Title search: Mediation: Tips to Maximize Your Mediation Time

Also available as part of the eCourse <u>Getting the Most Out of Your Mediation: Tips to Maximize Your Mediation Time</u>

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