



Seven Tips to Prepare Your Clients for Mediation

#1: Make sure the client understands the mediation process.

Mediation is not court, counseling or therapy. It's a negotiation facilitated by a third-party neutral.

#2: Educate your client on the relevant law.

Your client will do better if armed with information. If they know their rights before they come, they are more able to consider proposals for settlement.

#3: Prepare your client to manage emotional responses.

Consider mental health professionals to coach your client. Help the client come up with strategies to stay calm to help with rational decision making.

#4: Make sure your client realistically understands their best alternative to alternative to a negotiated agreement (BATNA).

A strong BATNA can empower decision making. An overoptimistic BATNA puts your client at risk.

#5: Make sure your client realistically understands their worst alternative to a negotiated agreement (WATNA).

This is the danger zone for your client. Don't send your client to court only to do worse.

#6: "Fair" is the F-Word!

Get the client away from a fixation on fairness. Instead, focus on making a good business decision the client can live with to move on.

#7: Teach your client how to make realistic proposals.

He or she isn't negotiating to get a bargain on a used car. It is a waste of time to offer terms pushing the extremes with the sole intention of pushing the other party to come closer a desired result. It is the road to frustration, mediation breakdowns, and a date in court in front of a judge.