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## MEDIATION FROM THE PLAINTIFF AND DEFENSE PERSPECTIVE: HOW TO EFFECTIVELY WORK WITH YOUR OPPONENT(S) TO REACH A SUCCESSFUL RESOLUTION

WEDNESDAY, SEPTEMBER 29, 2021 AT 12:00 PM, NOON

speakers 



**Mayra M. Fornos, Esq.**  
*ADR Services, Inc.*  
*Moderator*



**Gretchen M. Nelson, Esq.**  
*Nelson & Fraenkel LLP*  
*Plaintiff's Perspective*



**Edith R. Matthai, Esq.**  
*Robie & Matthai*  
*Defense Perspective*

## Outline

Overarching theme is to try and focus on civility and to make the process more peaceful and not a contentious process

### 1. Pre-Mediation

- a. What do you need to do before the mediation to advance the possibility of settlement;
- b. Selection of the mediator;
- c. Calls with the Mediator – separate, together?
- d. Briefs – details on the briefs
- e. Do you exchange briefs and why
- f. Meetings and conversations with clients.

### 2. Mediation

- a. Joint session – reasons for and against such a session;
- b. How the mediator advances the mediation – best practices and worst
- c. How to get folks passed stumbling blocks – these can be monetary or other roadblocks to advancing the negotiations
- d. Working with the clients;
- e. Mediator talking directly to the clients – good or bad?
- f. Settlements at the mediation – documenting – options for dealing with issues that come up when the long form settlement is negotiated.

### 3. Post-Mediation

- a. What do you do if the case didn't settle?
- b. Mediator's role and follow-up. Staying engaged – lawyers reaching out to the mediator?
- c. Issues with the mediator – do you try another mediator?