



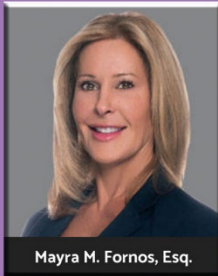
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Your Partner in Resolution

Eye of the Tiger

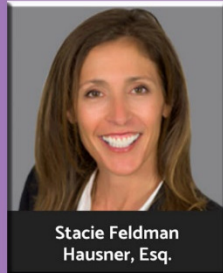
Speakers:



Mayra M. Fornos, Esq.



Hon. Elizabeth R. Feffer
(Ret.)



Stacie Feldman
Hausner, Esq.

Women lawyers bring power to the legal profession. Three experienced and respected women in the field of dispute resolution will provide practical tips designed to enhance your negotiating power in and out of mediation. This includes preparing for a successful negotiation, properly evaluating the risk and value of your case, recognizing potential impediments to a successful resolution, and negotiating in a manner that allows you to optimize your outcomes.

**MCLE Credit Offered:
1 hour General Credit**

**Date:
June 10, 2021 - 12:00 p.m. – 1:00 p.m.**

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EYE OF THE TIGER



Presented by: Hon. Elizabeth Feffer, Mayra Fornos, Esq., Stacie Hausner, Esq.

- I. Mastering Persuasion in Mediation
 - ❖ Taking the temperature of the room
 - ❖ Know your case and your opponent's case intimately
 - ❖ Listen, and then, listen some more
 - ❖ Step into your opponent's shoes
 - ❖ Communicate your compelling message
 - ❖ Apply the Shark Tank Principle: Know the value of your case
 - ❖ Promote the spirit of collaboration, cooperation and reciprocity
 - ❖ Foster positivity, fairness and reasonableness
 - ❖ Maintain credibility and integrity
 - ❖ Cultivate Patience: engage in the "Dance"
 - ❖ Persistence pays: stay committed to resolving your case no matter how difficult it may seem.

- II. Prepare Your Case for Mediation
 - ❖ Selecting a Mediator – subject matter expertise, trust, people skills, opinion, style
 - ❖ Prepare Your Case – understand risks, information, alternatives, and other side's positions
 - ❖ Prepare Your Client – role of attorney as collaborator, risks/benefits, settlement as a culminating event, conflict sensitivity
 - ❖ Pre-mediation Caucus –
 - ❖ Share important documents and information with the other side
 - ❖ Who should attend mediation

- III. Negotiation Strategies
 - ❖ What should be your initial offer and demand?
 - ❖ Importance of Concessions
 - ❖ Mediators are Good Negotiation Coaches
 - ❖ When to Reveal Bottom Line
 - ❖ Importance of Information Management
 - ❖ How to Persuade Other Side to Give you What you Want

- ❖ Manage Client's Expectations
- ❖ Use Mediator to Get Information
- ❖ Highlight Important parts of Depos, Contracts for Mediator
- ❖ Clarify What Mediator Can and Cannot Say
- ❖ Memorialize material terms in writing
- ❖ Post Mediation – mediator proposal, follow up

IV. Zoom Mediation

- ❖ Pros: comfort of own environment, cheaper, less time consuming, people from across country can attend, privacy exists, digital sharing of documents
- ❖ Cons: less investment of time and money makes the mediation less of a settlement event, less intimacy than in person

V. Confidentiality

- ❖ Evidence Code Section 1119, et seq.
- ❖ Rojas v. Superior Court (2004) 33 Cal.4th 407
- ❖ Cassel v. Superior Court (2011) 51 Cal. 4th 113
- ❖ Choice of Law is uncertain when there are out of state parties engaging in online mediations or via Zoom, as each state may have different confidentiality provisions

Stay Connected!



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