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Driving Better Outcomes in Mediation

Strategy, Selection, and Settlement in Today's Dispute Landscape

Presented by

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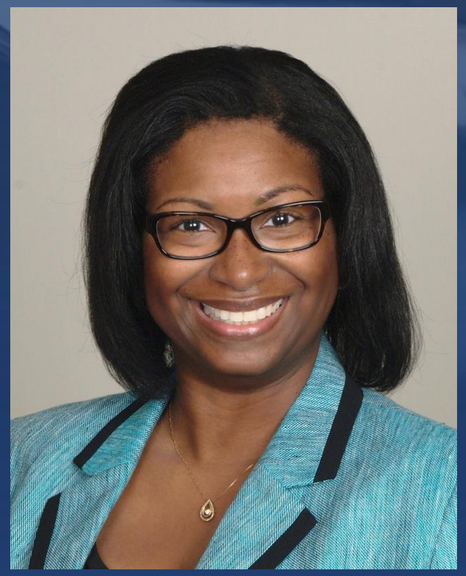
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OVERVIEW

- The Modern Mediation Landscape
- Selecting the Right Mediator
- In-Person vs Virtual Mediation
- Preparing for Mediation
- Managing the Session & Advocacy
- Negotiation Strategies
- Post-Mediation Strategy
- The ADAAM Advantage



The Modern Mediation Landscape

- Mediation as a strategic tool—not just a procedural step
- Why mediator selection and preparation increasingly drive outcomes



Key Takeaway: Mediation is no longer a routine procedural step—it is a strategic decision point that can determine whether disputes resolve or escalate.

Selecting the Right Mediator

- Subject-matter expertise vs. facilitative or evaluative style
- Diversity, experience, and cultural competency considerations
- Neutral selection as a strategic decision
- Matching mediator strengths to case dynamics
- Consider mediation interviews



Key Takeaway: Selecting the right mediator requires aligning experience, style, and cultural competency with the specific dynamics of the dispute.

In-Person vs. Virtual Mediation

IN-PERSON MEDIATION

- Stronger engagement and non-verbal communication
- Greater focus in complex disputes

VIRTUAL MEDIATION

- Convenience and scheduling flexibility
- Reduced travel costs

HYBRID APPROACHES

- When hybrid models make sense
- Maintaining engagement in remote environments

Key Takeaway: The format of mediation—in-person, virtual, or hybrid—can significantly influence negotiation dynamics and resolution outcomes.



Preparing for Mediation

Stacking the Deck in Favor of A Productive Outcome

- Strategy calls and pre-mediation conferences
- Identifying decision makers and settlement authority
- Information readiness and documentation
- Effective mediation briefs

Key Takeaway: The most successful mediations are won before the session begins through preparation, alignment, and strategic positioning.

Managing the Session

Advocacy, Psychology & Momentum

- When joint sessions help—and when they don't
- Effective presentation strategies
- Translating legal arguments into business risk language
- Reading the room and managing impasse

Key Takeaway: Successful mediation requires strategic advocacy, emotional intelligence, and the ability to maintain momentum during difficult negotiations.



Negotiation Tools

Negotiation Strategies That Move Numbers

Key Takeaway: Strategic negotiation tools—such as bracketing and mediator proposals—can help break impasse and move negotiations toward resolution.

- **Bracketing strategies and negotiation dynamics**
- **Avoiding anchoring traps**
- **Mediator's proposal—when and how to deploy**
- **Maintaining party ownership of settlement**

Post-Mediation Strategy

The Work After the Session

- Re-engaging the mediator after adjournment
- Structured offers and time-limit demands
- Creative resolution structures beyond dollars
- Recognizing productive pause vs true impasse



Key Takeaway: Resolution often happens after the mediation session through follow-up strategy, continued negotiation, and creative settlement structures.

The ADAAM Advantage

Building Better Outcomes Through Better Neutrals

DIVERSITY STRENGTHENS PROBLEM-SOLVING AND TRUST

IDENTIFYING THE RIGHT NEUTRAL BY EXPERIENCE AND STYLE

ENHANCING LEGITIMACY IN DISPUTE RESOLUTION

A NATIONAL RESOURCE FOR DISPUTE RESOLUTION

Key Takeaway: Access to experienced, diverse neutrals strengthens trust, legitimacy, and problem-solving effectiveness in dispute resolution.

Key Takeaways



Neutral selection is strategic, not administrative



Preparation determines negotiation leverage



Effective mediators sustain momentum beyond the session

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THANK YOU.
QUESTIONS?

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