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When goals align:

“Any kid will run
an errand for you,
if you ask at bedtime”



MEDIATING THE LITIGATED CASE

A sophisticated one-day programme for Litigators

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MEDIATING THE LITIGATED CASE A sophisticated one-day programme for Litigators

This one-day programme is planned specifically for the trial lawyer who has achieved success as a well-rounded advocate and whose focus is more about the end game of resolution rather than the process of litigation.

The programme focuses on strategies, skills and techniques used to resolve the more complex legal cases with a promise of no boring lectures or theoretical presentations but rather a fast-paced dialogue with an active and litigation-orientated mediator.

Geoff Sharp is a commercial mediator at the Bar, having been a litigation partner of a national firm. He is a full-time commercial mediator and successfully mediated hundreds of High Court and District Court proceedings since 1999.

Geoff is the only New Zealand mediator to have been elected to the US International Academy of Mediators and has recently spoken to ABA lawyers in Washington DC and Los Angeles on various aspects of mediation.

Programme Outline

Selecting the Right Case for Mediation – if you have a hammer does everything have to be a nail?

How to Raise Mediation with the Other Side – and not send any adverse signals

The Right Time to Mediate – send out the ravens before the doves ...before issuing or after?

Judicial Settlement Conferences – are JSCs a better and cheaper alternative to mediation?

What Do You Want Your Mediator to Be? – evaluative... facilitative...transformative...it's a broad church but why should you care?

The Strategic Use of Pleadings, Pretrial Conferences and Interlocutory Processes in Mediation – integrating your toolbox

Document Issues – how do you know the documents they are willing to disclose are the only ones you need to see?

Picking Your Mediation Dream Team – the place of experts, witnesses of fact and decision makers in your mediation

Structure – mediation needs it, but will you let the mediator do their job?

Mediation Openings – 'don't mention the war'...what tone to strike and who should do it

Collaborate or Die – but why not compete to get it all?

Three Dialogue Sessions

- 1 'Let's cut to the chase' – and other first hour no-nos
- 2 'We're here just to deal with the money' – what part should 'human-ness' play in commercial mediations?
- 3 Deception – everyone deceives the other side (and the mediator) at some point, but where's the line?

Mediation Clinic - sharing experiences of commercial mediations

Optional Sessions

Mediation as a Client Relations Tool

NZ Mediators – who's out there?

What Did You Hear – trial lawyers listen to rebut looking for the flaw in the facts, the logic and the law. But what did they really say?

Preparing the Case and the Client – a twelve-step programme

The Legitimate Use of Fear – by counsel and the mediator as the motivating factor in mediation

Settlements

- how to achieve them
- how to make them stick
- ingredients of a good settlement