

# MEDIATION NEWS

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Smullin Mediation

## Introduction to Mediation News

*Mediation today is more challenging than in the past. Attorneys who consider themselves experienced in mediation often have had little training in how to properly prepare a client for mediation or in how to respond to adversity in the mediation process.*

*Basic principles to avoid major errors include: (1) Insure that all persons whose authority is essential to resolution are present and participating in the process. (2) Know your case.*

*Some balancing of the second principle can be helpful. One rule of thumb is that the best time to mediate a case is when the attorneys know 90% of the facts, but have done only 15% of the work. However, I have successfully mediated pre-complaint mediations, in part because in that context neither attorney feels at a greater disadvantage than opposing counsel.*

*There are many other considerations which contribute to mediation success. To enhance your knowledge and understanding of these, I am beginning this bi-monthly newsletter with Mediate.com. Please let me know what subjects you find to be most helpful. I also welcome your calls when you have issues or potential mediations that you would like to discuss.*

Dave Smullin

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## Featured Articles

### [Negotiating Like a Woman - How Gender Impacts Communication between the Sexes](#)

*by Nina Meierding and Jan Frankel Schau*

Anyone who has ever been married will admit that men and women argue differently. It should be no surprise to learn that women and men negotiate differently as well.

### [Traits of a 'Mediator'](#)

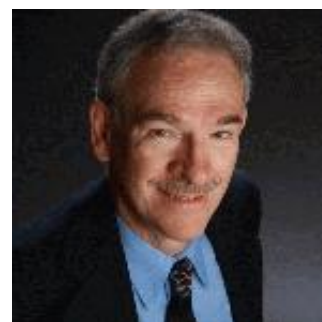
*by Sam Imperati*

Although there are many intangibles in the definition of a "good" mediator, certain character traits are invaluable. It turns out that these same character traits may have other uses as well.

### [Nurturing the Peace-builders and Conflict Resolvers of Tomorrow](#)

*by David Smith*

This piece argues for the need to work with youth, particularly at the high school and college levels, to build our profession and carry on the work of peace-building and conflict resolution. It provides a model for thinking about careers: direct action vs. indirect action jobs.



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## Featured Blog Posts

[Meditation is Not the Same  
as Mediation](#)

*Michael Toebe*

[Why Disability Mediation is  
Crucial](#)

*Roland Chesters*

[Use this Simple 2 Step for  
Conflict Resolution](#)

*Ronald S. Kraybill*

[Surgeons' Apologies  
Decrease Lawsuits: How  
Can that be News?](#)

## [Creating Psychological Safety at Work isn't Just About Avoiding a Workplace Bullying Complaint](#)

by Jennifer Mahony

When employment relationships take a turn, there can often feel like there is no way back. However, mediation can be a powerful tool in rehabilitating working relationships.

## [Mediation Strategies: A Lawyer's Guide To Successful Negotiation](#)

by Michael P. Carbone

Every successful negotiation requires that you have a sound strategy. In this article I will explain the steps that I believe you should follow when developing a mediation strategy.

## [13 Tools for Resolving Conflict in the Workplace, with Customers and in Life](#)

by Lee Jay Berman

Conflict happens. It is inevitable. It is going to happen whenever you have people with different expectations. Here are some tools for avoiding and resolving disputes in the early stages, before they become full-blown conflicts.

## Mediation in the News

### [Mediation of corporate disputes](#)

In an effort to expedite the settlement of intra-corporate disputes and other issues that affect ordinary corporations, the SEC recently drafted a Mediation Policy and has invited the public, in particular the business sector, to give their comments or suggestions to the program.

### [How to Prepare for Mediation](#)

Each mediation renews my belief that people are willing to listen, learn and create resolution in the interest of peace, time, and fiscal responsibility.

### [Proposed CFPB rule: A partial end to forced arbitration](#)

Soon, says the CFPB, consumers will not find mandatory arbitration clauses in their contracts with financial companies. Thus, disputes will be handled fairly.

### [Opening statements in mediation... poisonous or powerful?](#)

There is considerable disagreement over the wisdom or value of having lawyers (or parties) deliver opening remarks during a mediation. Does that approach help achieve a good resolution? Or do those presentations tend to "poison the well" at the outset, making settlement less likely or at least more difficult?

### [Neighbours in treehouse dispute could benefit from mediation, lawyer says](#)

Disputes between neighbours can be ugly, says a lawyer who believes mediation could help to resolve a complaint about a \$30,000 backyard treehouse in Toronto.

Dan Simon

## [Zen of the Gym—What I've learned about workplace conflict resolution at the gym](#)

Lorraine Segal

## [6 Ingredients of an Effective Apology](#)

Tammy Lenski

[Read All Blogs](#)

## Featured Quotes

*You can't learn too soon that the most useful thing about a principle is that it can always be sacrificed to expedience.*

*The only person you are capable of changing is yourself.*

*It is easier to fight for one's principles than to live up to them.*

*To the small part of ignorance that we arrange and classify we give the name knowledge.*

*The best argument is that which seems merely an explanation.*



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