

Jagler: Attorney offers 7 keys to successful mediation

[Steve Jagler](#), Milwaukee Journal Sentinel, Business Editor Published 12:01 p.m. CT Aug. 12, 2017 |



(Photo: Steve Jagler, Milwaukee Journal Sentinel)

For too long, Susan Hansen saw marriages end with each spouse “lawyering up” and attacking each other in court.

“They end up hating each other and their attorneys too,” Hansen said.

So, Hansen, an attorney, and her law partner, Greg Hildebrand, created the Family Mediation Center in Milwaukee’s Historic Third Ward last year. The center uses mediation to negotiate settlements in family disputes.

Their new business model was ahead of its time. In July, the Wisconsin Supreme Court issued a rule allowing a lawyer mediator such as Hansen in a family law case to draft and file all legal documents as a neutral representative on behalf of both parties.

Family-owned businesses often become entangled among the disputed assets in divorce cases.

“Divorce of a business employee, manager or owner, especially if it’s high-conflict, can disrupt the business and negatively impact productivity, profits and future value,” Hansen said. “These impacts can be minimized or eliminated with mediation.

“While this rule only applies to family cases, mediation is also a growing option for resolution of disputes in a wide variety of areas, including elder law, employment, intellectual property disputes, breach of contract, partnership issues, product liability, consumer protection, and other commercial and business litigation.”

The Family Mediation Center charges a flat fee to mediate a dispute.

“I think the court system has become very much a place of last resort,” Hansen said. “I think there’s a sea change happening. More focus on problem-solving. More use of mediation.”

I asked Hansen to outline the seven keys to a successful mediation of any kind:

1. **Be prepared.** “Thorough financial gathering is essential to any effective negotiation process. In mediation, this means exchanging background and financial documentation before negotiations begin.

Sharing and understanding the complete financial and legal picture is critical to a successful resolution,” Hansen said.

2. **Listen as well as speak.** “Listening requires more than the absence of talking. Paying genuine attention and asking open questions is helpful for both parties to move forward and understand one another’s perspectives and goals.”
3. **Consider interests and goals for yourself and the other side.** “Look at the big picture and where you want to be in the future, not just at the end of the case. This helps foster creativity and long-term satisfaction, rather than item-by-item demands and positions on individual issues.”
4. **Be honest.** “This supports open exchange about goals and interests rather than the positional gamesmanship of high-low bargaining, manipulating power or knowledge imbalances, or withholding relevant information.”
5. **Manage expectations and emotions.** “Starting with an unrealistic wish list, demands or a line in the sand can derail mediation. Be open to alternative and creative options rather than preconceived notions of what the outcome must be.”
6. **Focus on the future.** “Belaboring the past or fault-finding is not productive. The mediator is not there to take sides, but rather assist as a neutral professional with a goal of helping both parties make informed and voluntary decisions to reach a final agreement and avoid returns to court moving forward.”
7. **Take responsibility.** “In mediation, each party must actively participate by doing homework, learning information, helping generate ideas and options, and making decisions. Each party must engage, listen and fully participate.”

Steve Jagler is the business editor of the Milwaukee Journal Sentinel. C-Level stands for high-ranking executives, typically those with “chief” in their titles. Send C-Level column ideas to him at steve.jagler@journalsentinel.com.

Susan Hansen

Title: Attorney and business owner

Company: Hansen & Hildebrand S.C. and Family Mediation Center, Milwaukee

Expertise: Family law, dispute resolution, mediation

Education: Bachelor of arts degree, Mount Mary College; law degree, Marquette University Law School

Family: “Many loved ones, though most important are my grandchildren: Jacob, Norah, and Diera.”

Best advice ever received: “You need to listen to learn — even lawyers!”

Favorite movie: “To Kill A Mockingbird”

Favorite musical band or artist: Mavis Staples

Favorite Wisconsin restaurant: La Merenda, Milwaukee