



2014 CLM Annual Conference

April 9, 2014 – April 11, 2014

**Boca Raton Resort
501 E. Camino Real
Boca Raton, FL 33432**

Roundtable 2: Thursday, April 10, 2014 (11:30 am – 12:30 pm)

Dancing With The Stars: Maximizing Your Mediation

Top 10 Mistakes Made At Mediation

10. Not sharing with the mediator the “Golden Rule”
9. Not allowing plaintiff to talk
8. Not listening
7. Not having a settlement range in mind pre-mediation
6. Not checking your ego at the door vs. not ready to do (trial) battle
5. Going into mediation unarmed
4. Being indiscriminant about the points you make
3. Unwilling to work from your own numbers
2. Manipulation – you control the process, not the other side controlling it (depends on mediator)
1. Lack of Patience – sometimes you have to go back another time to get it done

13 Essential Steps to Successful Mediation

1. Get to the table
2. Pick the right time to mediate
3. Choose the right mediator

4. Have a pre-mediation conference with counsel and the insured
5. Set aside sufficient time
6. Prepare (x3!) (know your jurisdiction's quirks)
7. List case strengths, areas of concern – why hasn't case settled yet?
8. Go in with full settlement authority
9. Focus on settlement (that means money) let your defense attorney handle the law and facts.
10. Set the tone, address the plaintiff and humanize the insured (if not an "early" mediation, then treat like a "mini-trial")
11. Get into a zone of bargaining as soon as possible.
12. Do not take a "bottom line" approach.
13. Make a mediation presentation You? Counsel?