

GAAAA Mediation Presentation Outline
Title: Mastering Mediation: Strategies, Tactics, and Outcomes
Presenter: Gino Brogdon Jr., Senior Neutral, Miles Mediation & Arbitration
Duration: 90 minutes
Format: Lecture, Case Studies, Interactive Q&A

I. Introduction to Mediation and Its Significance (10 minutes)

- A. The Role of Mediation in Modern Law
 - Mediation as a transformative tool for resolving disputes without litigation.
 - Trends: Increased reliance on mediation in complex legal matters, including business disputes, personal injury, and family law.
- B. Why Mediate?
 - Cost savings, efficiency, confidentiality, and fostering sustainable agreements.
 - Real-world examples of successful mediations that avoided prolonged court battles.
- C. When to Mediate?
 - Key milestones in litigation where mediation is most effective (pre-litigation, after discovery, pre-trial).
 - Identifying cases best suited for mediation, including high-conflict scenarios.

II. Choosing the Right Mediator: Criteria and Strategy (10 minutes)

- A. Qualities of an Effective Mediator
 - Impartiality, emotional intelligence, subject-matter expertise, and adaptability.
 - Understanding the mediator's role as a guide, not a decision-maker.
- B. Matching Mediator to Case Dynamics
 - Facilitative, evaluative, and transformative mediators: Understanding their styles.
 - Assessing compatibility based on case complexity, parties involved, and desired outcomes.
- C. How to Evaluate Mediator Credentials
 - Certifications, past mediation successes, and reputation in the legal community.

III. Comprehensive Mediation Preparation (25 minutes)

- A. Preparing the Client
 - Educating clients on the mediation process, setting realistic expectations.
 - Emotional readiness and role-playing difficult conversations.
- B. Preparing for the Opposing Side
 - Analyzing motivations, understanding negotiation styles, and anticipating objections.
 - Building a robust evidence file and argument list.
- C. Preparing Counsel for Mediation
 - Developing a detailed case strategy and negotiation plan.
 - Tactical use of case law, precedents, and financial data to support your position.

IV. Advanced Negotiation Tactics and Avoiding Pitfalls (30 minutes)

- A. Effective Negotiation in Mediation
 - Framing issues to highlight mutual interests and de-escalate conflicts.
 - Leveraging anchors and framing techniques to set the negotiation baseline.
- B. Essential Negotiation Tools and Their Applications

- BATNA (Best Alternative to a Negotiated Agreement): Establishing leverage.
- Cognitive reframing to shift perspectives and overcome impasses.
- Using active listening to uncover underlying interests and hidden priorities.
- C. Avoiding Common Mediation Pitfalls
 - Managing emotional triggers and ensuring professionalism under pressure.
 - Recognizing and countering manipulative tactics from the opposing side.
 - Preventing "settlement fatigue" by staying focused on long-term client goals.

V. Navigating Non-Settlement Outcomes (10 minutes)

- A. Exploring Alternatives After Failed Mediation
 - Documenting progress for use in subsequent negotiations or court proceedings.
 - Reassessing strategy: What worked, what didn't, and next steps.
- B. Preparing for Litigation Post-Mediation
 - Streamlining evidence and arguments for trial based on mediation outcomes.
 - Leveraging insights from mediation to strengthen trial preparation.

VI. Interactive Case Studies and Audience Q&A (15 minutes)

- A. Analyzing Hypothetical Cases
 - Break down real-world-inspired scenarios to apply learned strategies.
- B. Audience Questions
 - Encourage participants to share challenges and successes in mediation.

VII. Conclusion and Key Takeaways (5 minutes)

- A. Summary of Mediation Strategies
 - Preparation, adaptability, and leveraging negotiation tactics.
- B. Call to Action
 - Encourage attendees to embrace mediation as a tool for efficient dispute resolution.

Key Notes on Presenter

Gino Brogdon Jr. brings unparalleled expertise to this session, drawing from his extensive career as a Senior Neutral at Miles Mediation & Arbitration. His success in mediating complex disputes makes him uniquely qualified to guide attendees through the intricacies of mediation, providing actionable strategies to implement immediately in their practices.