Representing a Client at Mediation – The Perspective of a United States Litigator

Date: Tuesday, November 22, 2016

Location: Tbilisi State University

# What is my perspective? 5 min

## A Partner at a law firm in Chicago

## Represent Clients in Civil matters

### Mostly in state court

## Need to keep clients happy and resolve matters

# Short Overview of the Civil Litigation system in the United States 10 min

## Federal and State Court Systems

## Number of Cases filed in 2015

### Increase every year

### Costs increase every year

### Type of cases

### Where they are filed

### Limited resources in the court system

## How long does a case last

### Stages of the case

#### Pleadings

#### Discovery

#### Trial

## Mediation as a manner of resolution

### Required in some systems

#### Federal Required

#### Some State Courts

#### What is required

# Are you going to mediate? 5 min

## Is it required?

## When is it done?

### Before or after discovery

#### Cost is the big consideration.

## What does your client want to do

### Need permission to discuss mediation with the opposing side

### Can this matter be settled without a mediation?

# How will you mediate? 3 min

## Free mediation / settlement conference with the judge

### What does the client want to pay?

# Who will be your mediator? 3 min

## Big consideration

## All parties must pick it together

# What is your strategy for the mediation? 5 min

## You and your client must be on the same page

### Value of the case

### Hopeful outcome of the case

# What will you provide to the mediator? 3 mi

## A position statement

## Documents

# Managing your client's expectation for the mediation 7 min

## Understanding the logistics of the process

### Joint session

### Opening statement

### The opposing party will be there

## Understanding how the negotiations will proceed

## Will your client have authority to resolve the case?

## Confidential

# At the mediation 13 min

## Be prepared for surprises

## Be prepared to wait

## Strategy for negotiations

### Where do you start if you know where you want to end?

### When do you end the mediation

#### A "final number"

##### How long do you leave it open?

# After the mediation 6 min

## Did the case resolve?

### Formal settlement agreement

### Dismissal of the case

## Did the case not resolve?

### Will there be additional negotiation?

#### Who blinks first?

#### Next steps in the case