Let's Discuss This:
Mediation and Negotiation

Amber McMichael, Certified Circuit Civil, Family and Federal Court Mediator

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What is Mediation?

- Mediation is when two or more parties, come together before a neutral, to find common ground in order to resolve a dispute.
- The "**neutral**" is a mediator. They can be a certified mediator, or someone that is simply agreed too. Oftentimes, mediators are attorneys and can even be retired judges.
- Mediations are a Marathon, *not a Sprint*.

Mediation Process

- Openings
- Joint Caucus
- Private Caucus
- Participants & Players
- Confidentiality

Expectations During Mediation

- Parties
- Mediator
- Time
- Preparation

Motivation for Mediation

- Money
- Acknowledgment
- Validation

Mediation – Strengths & Weaknesses

- Client's Case & Opponent's Case
- Best & Worst Alternatives to Settlement
- Avoid Unrealistic Expectations
- Control Emotions & Reactions

Are You Ready to Mediate?

- Possible Impediments:
    1. Discovery
    2. Pending Motions – Summary Judgment
    3. Experts
- Knowing your position
- Knowing your opponent's position

But What if it Doesn't Settle?

- Better understanding of the case in its entirety
- Understanding your position and your opponent's position better
- Recognizing the hurdles on both sides
- Realizing the gaps that need to be closed
- Letting the Dust Settle

Conclusion of Mediation

- Settlement
- Impasse
- Adjournment
- Mediation Report to Court
- If settlement = writing is recommended

Mediation – Why Does it Work?

- Flexible, Simpler, and Informal
- Cost Effective
- Significantly reduces Judicial backlog and dockets
- All parties get a say and are in control of the outcome
- Face to Face/Direct Contact
- Reduces the length of time of a case/matter

Mediation – Varies State to State

- 28 of 50 states have statewide standards – certification
- Most of the 28 states require continuing education
- Of those 28 states, majority require more training to conduct family law cases
- Only 4 states require mediators to be attorneys

Northern Virginia Mediation Service

Mediation – Varies State to State

Florida

Florida Dispute Resolution Center
Janice M. Fleischer, Director
Office of the State Courts Administrator
Supreme Court Building
500 South Duval Street
Tallahassee, FL 32399-1905
(850) 921-2910
(850) 922-9290 fax
fleischerj@flcourts.org
Links to **Florida ADR offices and programs** from the state judicial administration page.

Georgia

Georgia Office of Dispute Resolution
Shinji Morokuma, Esq., Director
244 Washington Street SW, Suite 300
Atlanta, GA 30334-5900
(404-463-3788)
(404-463-3790) Fax
gaodr@godr.org
State ADR Office : Extensive resource on Georgia ADR statewide, including list of programs, roster, training, guidelines, ethics, long-range plan, and state statutes and rules.

Amber E. B. McMichael

Contact Information and to Schedule Mediation:

Matrix Mediation, LLC
1655 Palm Beach Lakes Blvd
Suite 700
West Palm Beach, FL 33401
www.matrixmediation.com

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