

Strategies for Conquering Your Next Mediation

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In modern civil litigation, mediations are becoming more and more popular with both clients and courts. Many jurisdictions even mandate that parties engage in some form of alternative dispute resolution. In property subrogation cases, where damages are often not the main point of contention, mediations can be especially successful. However, mediators and litigants often have their own preferences about how mediations should be handled. While choosing the right mediator for a particular case is critical, many factors go into setting up a mediation for success.

In the Fall/Winter 2018 edition of the NASP's *Subrogator* magazine, Gus Sara and Lian Skaf provide a point/counterpoint analysis of the different approaches to various aspects of mediation, demonstrating how there are at least two ways to look at any issue. They discuss the benefits (and cons) of sharing mediation memos, making an opening statement, sharing expert reports, group sessions and judicial settlement conferences. Ultimately, in order to settle a case, litigants and mediators have to choose which approaches work best for the particular situation.

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.

