



Preparing your client for mediation is as essential as preparing the case itself. Mediation succeeds—and satisfies—when clients understand the process, the risks, and the opportunities—and when they walk in with informed expectations rather than fantasies.

Start by assessing whether the case is truly ready. Have the key facts, documents, and damages been developed? Are there discovery gaps that will leave one side feeling ambushed? Does your client understand the strengths and weaknesses of their own case well enough to mediate with confidence?

Choosing the right mediator also matters. Consider subject-matter expertise, style, and the ability to connect with your client. A mediator who can explain “the facts of life” of litigation—cost, delay, uncertainty—adds enormous value. Don’t be afraid to accept your opponent’s proposed mediator. Your opponent is telling you “this is the mediator who convinces me to settle.”

Manage your client’s expectations. “Winning” in mediation doesn’t mean the other side loses: it means a result that is better than the alternatives. Discuss BATNA (best alternative to a negotiated agreement), WATNA (worst alternative), and MLATNA (most likely alternative). These frameworks help clients understand the range of possible outcomes if the dispute continues.

Finally, a thoughtful mediation brief sets the tone. It should educate the mediator, anchor the case value, and demonstrate credibility without unnecessary posturing. Don’t be afraid to share briefs. You can explain and argue your case better than anyone.

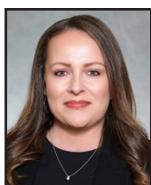
Your client, whom you’ve made grounded, realistic, and prepared, is far more likely to achieve a successful result. Effective preparation turns mediation from a roll of the dice into an opportunity for resolution—on terms your client can live with and move forward from.

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