



The *Top 10*
Mediation
Mistakes

Lawyers
Make

*... that are costing
them MILLIONS!*

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The Top 10 Mediation Mistakes Lawyers Make

Watch closely... because these fumbles can cost you dearly!

A Special Report for legal professionals and their clients

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Let me be straight with you...

When push comes to shove, *anyone* can negotiate.

But in real life, not everyone can negotiate *well*. And believe me, whenever there are strong emotions or huge dollars on the line, that's NO time to treat your mediation with the seat-of-the-pants bravado of a high-school football player. Because even the best quarterbacks look at the field through the strategic eyes of a chess player FIRST... even before they pour on the muscle.

So watch your legal opponents closely, and see how many of these slip-ups they're missing out on. But be forewarned... If they're any good, you can be sure they're examining *your* performance for signs of:

1. Going into a negotiation with the mistaken belief that **money** is what it is all about (*and missing your client's REAL needs and best interests in the process*)
2. Imagining that the 'best' outcome is the most likely result in a given scenario... thereby failing to understand the unpredictably wide range of outcomes that are **actually** possible, even in the most cut-and-dry cases (And I wonder... would you even have a sense of the **probabilities** associated with those other outcomes?)
3. Entering into a mediation session with anything less than the **full measure of proof and documentation** you'd bring to trial... and expecting to win the mediation, *even when the most important facts remain unsupported by tangible evidence*
4. Nervously avoiding (or forbidding!) a **joint mediation session** for all the wrong reasons
5. Fearfully guarding against "free discovery" by **hoarding information** that could be pivotal in the decision-making process on **both** sides of the negotiating table
6. Omitting a **structured concession plan** from your pre-session prep work... *and even worse, missing out on the correct format for USING that plan to tip the mediation in your favor*
7. Merely **ball-parking the cost of litigating a case to verdict** (AND through the inevitable appeals)... *which makes valid settlement terms nearly impossible to estimate on-the-fly*
8. Leaving your clients **unprepared for THEIR roles** -- *and unaware of the entire process of real-world mediation*
9. Allowing the **informality** of the mediation session to lull you - *and your client* - into believing that thorough preparation is **an unnecessary waste of time and resources**
10. Selecting a mediator on the basis that "**they are all the same**"... which often leaves you expecting the mediator will do **all of the heavy lifting** during negotiations (*They probably won't... which ultimately leaves you blaming the mediator when things don't work as you'd hoped!*)

After sitting in the mediator's chair at some of the most demanding cases you can imagine (*throughout the better part of the last two decades*), I've watched *countless* attorneys dive head-first into a negotiation when they didn't have a clue how they should handle it (even though they'd never admit that to your face) And the data supports my personal experience. Empirical studies show that plaintiffs' lawyers blow mediation decisions 50% of the time, with an average decisional error of over \$75,000. Even worse, defense lawyers make bad settlement decisions 30% of the time, with an average decisional of \$1.4 million!

Learn how the Advanced Legal Negotiation Courses can help you avoid these classic mistakes

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