

PROPERTY MEDIATION 101

WN LEGAL'S GUIDE TO SUCCEEDING AT MEDIATION

When do we recommend Mediation (property)

When the parties have identified the relevant issues/key issues in contention (ie, who is to keep which property)

REASONS FOR MEDIATION

The goal of mediation is not to win an argument. It is to achieve a favorable settlement that suits both ends.

Who will be at the Mediation

There will be at least five people at a lawyer-assisted mediation. Both parties to the matter (Husband and Wife) and their respective lawyers will attend to the mediation. The mediation is chaired by a mediator.

Know what you want

Don't just know what you want, be advised the different strategies in trying to resolve your matter.

Once you have adopted a strategy, you need to know how to "get there", and the repercussions if your plan fails.

The most important thing at mediation is to explore the options of how to settle.

Prepare, prepare, prepare!

Going to a mediation without knowing your "Plan A", "Plan B" and "Plan C" is a very bad sign. Going into a mediation simply thinking that you want "A", failing that then "B" is also not a good sign. If you don't know where to start, look at the asset and liability schedule! Prepare one and be ready to exchange the schedule with the other party.

Disclosure is key

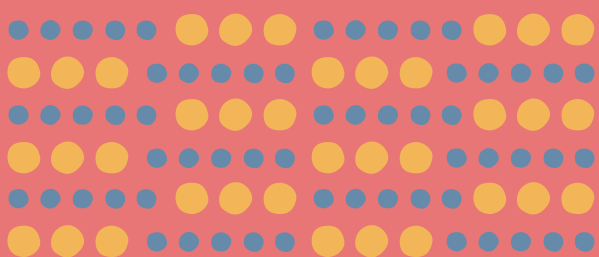
It is almost an inevitable question behind every lawyer's mind when the parties attend to mediation. Is this all that there is to "divide" between the parties?

Have you gone through the list of disclosure provided by the other party? Is there something missing?

TIPS AND TRICKS FOR MEDIATION

Deal with the issues, not the people. You do not need to address and solve every issue.

However, it is important to address issues that are relevant to the law.



Talk to your lawyer, don't keep them out of the loop. The more they know about the relevant problems in your case, the more they can do



Be prepared to negotiate, be prepared to settle. The sooner the proposal is signed, the less chance the parties will change their minds.



Consider the practicality of your proposal. Is it executable? Is it fair? .