



Digging Deeper

February 2009

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Dealing with the "Gap" in Negotiations



In Jeff's recently published article, he explains why engineering the negotiation prior to the mediation is the secret to maximizing results.

This story is for you if. . . · You and your client are sending mixed signals during the negotiation process about the size of the settlement you are seeking; and · The mixed signals you are sending have resulted in a "gap" in the negotiation that appears to be insurmountable.

[You can read the full article here.](#)

Join Us in Welcoming the Youngest Addition to the First Mediation Family!

We're delighted to welcome the arrival of Mariam's son Aria, the newest and youngest member of the First Mediation family.

Aria was born on January 5, 2009, at 6:34 p.m., weighing 6 pounds 5 ounces and measuring 19 inches long.

We're happy to report that mother and baby are doing well and Mariam will be back mediating full-time from next week.

The Confidential Listener

The Confidential Listener, a technique suggested by John DeGroot of Settlement Perspectives, can be used as a quick, confidential method to determine proximity of settlement positions.

Greetings from the Editor!



Welcome to our Digging Deeper newsletter.

We hope you will join us at one or more of the following upcoming events where Jeff and/or I will be presenting.

- Mariam Zadeh

Calendar of Events:

February - April 2009:
Advanced Mediation Course
at Pepperdine School of
Law, Straus Institute for
Dispute Resolution

June 2009: 22nd Annual
Summer Professional Skills
Program in Dispute
Resolution at Pepperdine
School of Law, Straus
Institute for Dispute

While the technique is situational and can vary with each case, generally speaking each party submits its best offer in confidence to the neutral third party ("the confidential listener"), who informs the parties whether their proposals are within a negotiable range.

Generally, and absent specific authorization from the proposer, the confidential listener does not relay one side's confidential proposal to the other.

The parties will normally agree in advance that if the sums overlap, with the plaintiff citing the lower figure, they will settle at a level that splits the difference. If the cited figures are within a specified range of each other, e.g. ten percent, the parties may direct the neutral to so inform them and help them narrow the gap. If the figures are not within the set range, the parties may repeat the process, or the confidential listener can make a mediator's proposal.

The CPR International Institute for Conflict Prevention and Resolution offers a form agreement for this purpose that can be obtained on our blog using the link below.

[Improvisational Negotiation Blog](#)

Last Minute Club - Join Now!

We realize that it is often difficult to schedule cases with us on short notice or in instances where there are critical time pressures. As a result and in an effort to accommodate our colleagues when faced with this situation, we have instituted the *Last Minute Club*.

As a member of the *Last Minute Club*, you will be notified in the event of a cancellation or opening in our calendar and will be given priority to book that last minute spot. You can choose to be notified by email or phone, at which point we will advise of the date, time and number of hours available.



Please keep in mind that the first to respond with a firm acceptance by all parties of the opening will be able to reserve the date.

We are hopeful that becoming a member of the *Last Minute Club* will help accommodate your firm and serve your needs for any last minute mediations.

[Last Minute Club Membership Form](#)

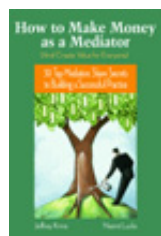
Improvisational Negotiation



A Mediator's Stories of Conflict, About Love, Money, Anger and The Strategies That Resolved Them
Written by Jeffrey Kravis

[Read excerpts..](#)

How To Make Money as a Mediator (And Create Value for Everyone)



30 Top Mediators Share Secrets to Building a Successful Practice.

Written by Jeffrey Kravis

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Resolution.

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