3 ingredients for a successful mediation

ARTICLE | 10.13.2016

Doug Shevelow, P.E., believes that three ingredients – preparation, patience and reasonableness – are the keys to a successful mediation.

"You have to be prepared," says Shevelow. "I have been involved in several mediations where one side is clearly more prepared than the other. That side usually fares better, at least in the sense that the client is usually more comfortable with the result."

Patience during the mediation is also important. "I have been in many mediations where it seemed hopeless at 1:00 p.m., yet we had a settlement at 7:00 p.m.," he says.

Possibly the most important trait, however, is what Doug calls reasonableness. "Attempting to mediate is always the best decision if there is any sense of reasonableness at all from the other side," he said. "Simply being willing to mediate may be a sign of reasonableness."

He emphasizes that advocates should assess their client's level of reasonableness before agreeing to a mediation. "You have to believe that the mediator is analyzing the other side's case just as critically as yours, and you have to be prepared to compromise. And you have to be able to persuade your client of the same."

If the mediation does not result in a settlement, however, all is not lost. "You still will have gotten a chance to have your case evaluated by a neutral third party, and you may have learned a good deal more about your opponent's case. It's difficult to call that a failure."

As a partner in Bricker & Eckler's Construction Law group and the firm's Energy, Public Utilities & Environment group, Shevelow serves as a mediator in construction matters. He can be reached at 614.227.4803 or dshevelow@bricker.com.