

7 Ways to Achieve a

Peaceful Settlement



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7 WAYS TO ACHIEVE A PEACEFUL SETTLEMENT

Dealing with “The Law” and with lawyers can be a confusing and difficult experience for non-lawyers. In my mediation practice I focus my energy on guiding parties to find an amicable solution to their disputes while addressing the needs of individuals and small businesses in the area of family friendly divorce, corporate divorce and business dispute mediations.

The decision to divorce your spouse or business partner can be a daunting task. No one wants to hurt someone that they care about and the idea of having your private life or details of your business aired out in court and in the public records seem intrusive. The unfamiliarity with the legal process and the uncertainty of litigation is often just too stressful for anyone to handle. Business disputes arise all the time between partners, employees and especially in family businesses. Unfortunately, divorce between spouses is sometimes inevitable. Working with a mediator before seeking a legal remedy is often the easiest and least damaging option when conflicts arise, especially when the parties will have to relate to each other in the future.

Individuals face a lot of emotions when dealing with conflict and mediation can help parties to understand each other better and to reach a compromise that is the best option for all parties involved given the present conditions. Providing an open, relaxing environment is part of the process to assist parties to have a view toward the future.

When a divorce is happening it is important to bridge gaps in communication and arrive at a peaceful settlement, especially when children are involved. There are so many considerations from division of assets and liabilities to shared parental responsibility and division of holidays. A corporate divorce takes into consideration clients, ongoing business, and division of assets, liabilities and the value of the business. I attempt to guide parties to voluntarily set realistic expectations and to reach a mutually satisfying agreement.

Sometimes none of the parties have an attorney, or only one party is represented while other times both parties have their own lawyers. In any of these cases, I can assist with the mediation. Regardless of the scenario, mediation is always confidential thus ensuring your privacy.

This eBook is designed to give you an overview of the dispute resolution process and the benefits associated with mediation. If you have questions, please give me a call to discuss the process in general and the structure for the mediation conference.

Best regards,

Noelia

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Legal disputes are stressful, expensive, and time-consuming. Even when you “win” a battle in court, you can walk away feeling exhausted and betrayed. Luckily, you have other options and a legal matter does not need to end up in the courtroom, in the hands of a judge or jury. Mediation gives you control and allows you to reach a solution in a peaceful manner. It is based in communication and takes a respectful approach to problem solving.



Though a trial is sometimes necessary, in many cases, a peaceful settlement is possible. How can you achieve resolution in this manner?

1. Put Aside Negative Feelings

Before negotiations even begin, you need to put aside your feelings of negativity. This can be tough during a legal dispute, especially if you are feeling betrayed. Mediation gives you an opportunity to express your negative feelings, but for the process to be effective, you must be willing and able to move beyond those feelings with a view towards the future.

2. Be Open-minded about Negotiations

One of the most important benefits of putting aside negativity is it allows you to open your mind to negotiating. The key to a successful mediation is the willingness of all parties involved to negotiate in good faith. A skilled mediator can bring parties from opposing sides together to see the pros and cons of all possible outcomes. As long as you are open-minded and willing to negotiate, a solution is possible.

3. Come Prepared

It is also important you come to the session prepared. Much of the reason mediation is less expensive and less time-consuming than a trial is because the disputing parties are in control. This is a benefit and a responsibility. To move things along as quickly as possible, make sure you have available all the information needed to reach a settlement in a timely manner.

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4. Listen Carefully

One of the best things you can do during mediation is to listen to what is being said by everyone. All too often during negotiations, people get caught up in what they want. They are defensive and focused on protecting what they believe is at risk. Unfortunately, this leads to a breakdown in the process and ensures mediation is unsuccessful. It is important you truly listen to the discussion and hear what is being said. This does not mean giving in or sacrificing what you want; it simply means you will understand what is wanted by the other person and why they want it.



5. Be Honest

It is also important you be open and honest during negotiations. If you want something, speak up and ask for it, and be prepared to explain why you want it. And if something seems like a bad idea to you, explain why you feel that way. Successful mediation is built on honest communication and unless you are willing to be honest, the mediation will fail. Even if a solution is reached, you will cheat yourself of the benefits of mediation.

In the courtroom, people have a strategy and they approach the process defensively. In mediation, you can simply speak openly and honestly about how you feel and what you think is right – and then be willing to consider the other positions and negotiate an outcome that is fair to everyone involved. In mediation you have the option to speak to the mediator privately, in caucus, which give the parties the opportunity to be open and honest even if they feel uncomfortable with the opposing party.

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6. Focus on the Big Picture

People involved in legal disputes tend to get caught up in the details. They focus on wanting to be right and wanting to get their own way, and they tend to forget the big picture. For instance, if your ultimate goal is to protect the best interests of your children in your divorce, you might need to put aside your own feelings of betrayal to do so. If you find yourself jumping to be defensive, stop for a moment and think about how something affects the big picture – what you want in the end. Even if something is mildly aggravating or irritating at the time, it could pave the way to a successful long-term resolution.

7. Accept a Fair Compromise



Chances are you won't get everything you want in a mediation, but you are likely to get a lot more than you would if you took the issue to court. In mediation, you have a say in the final resolution, something that does not happen when a judge or jury is in charge of the decision-making process.

If you would like to know more about mediation or you are hoping to find a way to end a dispute without the expense and frustration of court, Noelia

Moreno can help.

Noelia has successfully mediated thousands of disputes. Her specialty is conflict resolution, which she approaches in a no-nonsense, practical manner infused with doses of lighthearted humor to make the parties feel at ease. She blends her skills as an attorney, mediator and certified coach to achieve the best possible result for everyone involved.

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As an attorney and divorced person, she knows how stressful, lengthy, uncertain, and costly litigation can get, making it a lose-lose situation for all involved. Mediation reduces the stress of disputes and life transitions, and offers some certainty for the outcome.

Noelia helps people to move forward in a productive and empowering way and has taught people how to become more effective communicators with themselves and others. She knows most disputes can be solved with proper communication and understanding, and wants to help parties achieve a satisfactory resolution in this manner.

For more information or to schedule a consultation to discuss your dispute and the benefits of mediation, contact Noelia at 305.859.3200 or by email at Noelia.moreno@me.com.

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