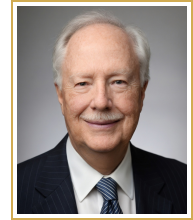




What to expect if your dispute is headed to mediation

Your lawyer has suggested mediating with me. This page is written for you rather than for your lawyer, whether you are an heir or beneficiary, a trustee or personal representative, a professional fiduciary, or an institution: who I am, what the day is like, and what you can count on.



WHO WILL BE IN THE ROOM

Ten years as Judge of Probate for Shelby County, Alabama, deciding contested estates, will contests, and trust and fiduciary disputes; forty-eight years at the Alabama State Bar. I now mediate full time, trained at the world renowned Straus Institute for Dispute Resolution at Pepperdine University in California. I have decided cases like yours; now my job is to help you resolve yours on your own terms.

WHAT THE DAY IS LIKE

- Your lawyer is beside you the entire day.
- The sides usually sit in separate rooms and I move between them; you are never made to face anyone you would rather not.
- Nothing is decided unless you agree to it. I cannot impose a result; the decision is yours.
- In private, I will tell you plainly how I think a court would see the case. That candor is what you are paying for.
- The day is not cut off at a fixed hour while progress is being made.

BEFORE THE DAY

I read the file before we meet: the will or trust, the pleadings, the accountings. I speak with the lawyers on every side beforehand. You will not be explaining your case to someone hearing it for the first time.

WHY PARTIES CHOOSE IT OVER COURT

- **It is private.** A lawsuit is a public record that never disappears. Nothing said in mediation becomes part of any public file, and mediation communications are protected as confidential. A fiduciary or institution keeps its name out of a public opinion.
- **The estate or trust stops paying for the fight.** Every month of litigation is paid, in the end, out of the very fund in dispute.
- **You keep control.** A judge chooses between the sides' positions. In mediation you can build a resolution a court could not have ordered.
- **Relationships can survive it.** Trials leave families divided and fiduciaries with a record to defend; many leave mediation still able to work with one another.

"A mediation should feel like the most productive day the case has ever had: prepared, candid, and unburied."

HON. JAMES W. FUHRMEISTER (RET.)

WHAT IT COSTS

One daily fee, agreed in advance, covering preparation, the conferences with counsel, the full day, follow-up, and travel. Nothing is billed separately except time beyond the eight-hour session. Unless agreed or court-ordered otherwise, the fee is divided equally between the sides of the dispute. I travel to wherever the matter sits.

QUESTIONS PEOPLE ASK

What if we don't settle? Nothing said that day can be used against you, and your case goes on exactly as before.

Can I be forced to accept something? No. Any agreement is one you and your lawyer sign because you choose to.

Do I have to speak? Only as much as you want; your lawyer can speak for you at any point.