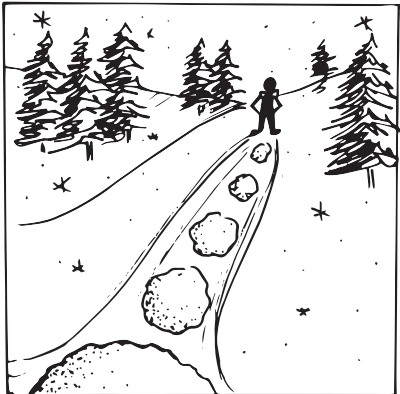


The Snowball Effect

A Little Optimism Can Go A Long Way

Mediators may appear to be exceedingly optimistic in the face of disagreement. Why? Because optimism has to start somewhere.

All too often, the parties to the dispute, their lawyers or both attend mediation with the belief that the case can't/won't/shouldn't settle. If your mediator doesn't inject a little bit of optimism into the day, the mediation may never get off the ground. Just like a snowball rolling down a hill, optimism can grow until it gathers everyone in its path.



Think back to high school physics: Newton's First Law of Motion states that a body at rest will remain at rest unless an outside force acts on it; and, a body in motion at a constant velocity will remain in motion in a straight line unless acted upon by an outside force. Consider your mediator to be that "outside force".

Be Prepared! Some people believe if they attend mediation with a release it will jinx the chances of settlement. Don't be superstitious!! Instead, borrow from the Boy Scouts or Girl Scouts and be prepared to settle your matter at mediation. Attend with a release, minutes of settlement or any other settlement documents ready to be signed. You may be pleasantly surprised.

Three tips to remain optimistic at mediation:

- Come into the room with the intention to be open to optimistic messages by any and all participants
- Start the day off right by highlighting any areas of existing agreement
- Look to your mediator to reset the tone if you find yourself or another party reacting. Mediators have the skills to help with this - use those skills!

Logan Cooper joined the Cooper Mediation team in November, 2017 and now devotes 100% of her professional time to mediation.

Contact Logan at: logan@coopermediation.ca or (416) 726-1344. Alternatively, you may view Logan's Online Calendar to book a mediation: <http://www.coopermediation.ca/logan-coopers-online-calendar/>.



LOGAN COOPER

"[Logan's] strengths are her obvious intelligence, ability and (dare I say it?) training..."

- Senior Defence Counsel