

William D. Taylor, CDFATM

Innovative Dispute Resolutions
and Mediation Services

860-350-1437 (P)

860-355-3061 (F)

BillT@IDResolutions.com

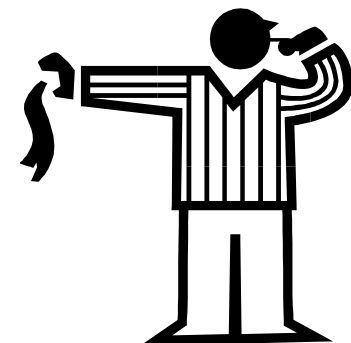
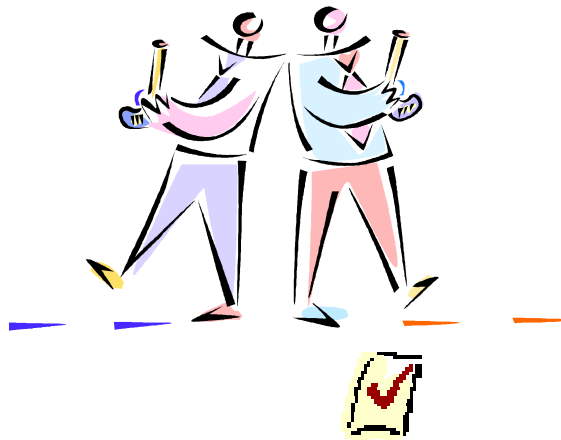
Negotiation is Part of the Human Experience

- People use negotiations daily:
 - At work
 - In disagreements
 - Organizations, Communities & Nations have Disputes
 - Intra-organizational
 - Inter-organizational
 - Build Consensus



- Issues are Usually Resolved Quickly and “Peacefully” most often through negotiation....

Negotiation Strategies have Taken Many Forms



When Negotiations Fail, Litigation is One of the More Common Methods for Resolving Disputes.... However...

"Traditional litigation is a mistake that must be corrected... For some disputes trials will be the only means, but for many claims trials by adversarial contest must in time go the way of the ancient trial by battle and blood. Our system is too costly, too painful, too destructive, too inefficient for really civilized people."

Chief Justice Warren E. Burger, (Ret.) U.S. Supreme Court.



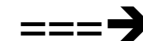
Negotiations have Typically Relied on “Position Statements”

- What is a position?
 - That is my final offer!
 - It’s my way or the highway!
- Is this really much different than litigation? A duel?
- Are you more interested in your position than a solution?
- Positions often driven by emotions.



But I have a position!

- Is a position in your best interest?
 - Why bargain over a position?
 - What is it that you hope to obtain?
 - Does a position address the underlying issue or need?
- Positional bargaining can change friends into adversaries.



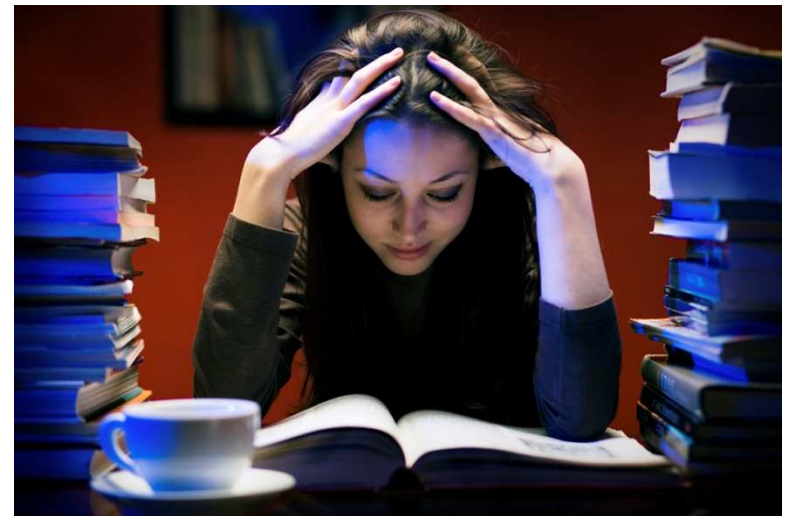
And I have interests!

- Exactly!!
 - In every negotiation, each participant has interests.
 - Positions create barriers to solutions – find the underlying interests of each participant.
- What is it that each participant is really after?
 - Fairness?
 - Punishment?
 - Compensation?



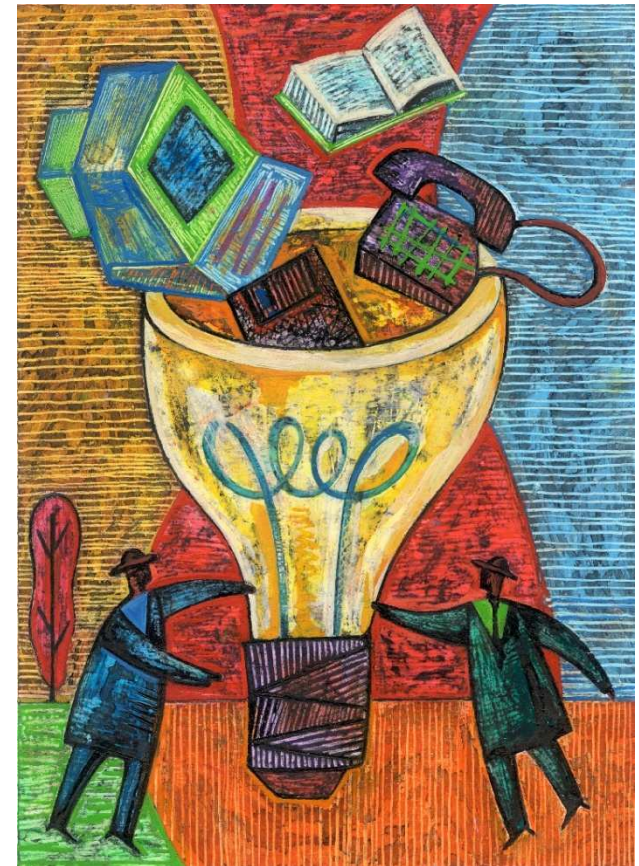
Focus on the Problem

- Separate the people from the problem
- Egos will derail negotiations
- Be soft on the people, hard on the problem.
 - Negotiations involve emotions
 - Emotions first, facts follow



Interests, not Positions!

- Focus on solving the problem
 - A position is a possible solution
 - What is the underlying interest behind the position
- Invent Options for Mutual Gain
- Use Objective Criteria
- Know your BATNA
(Best Alternative To a Negotiated Agreement)



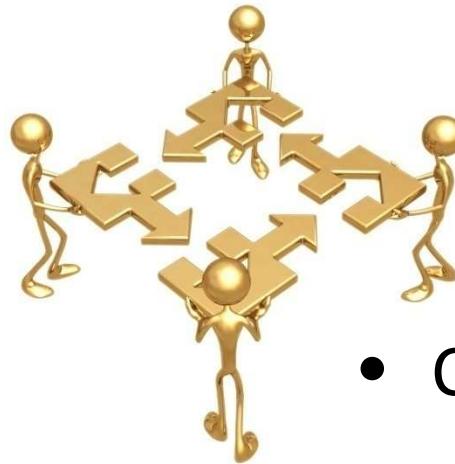
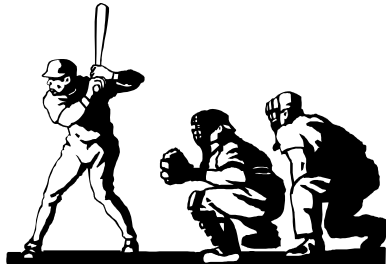
Negotiations can be Difficult....

- What if I just can't negotiate well....
 - Emotional Situation
 - One party more “powerful” than the other
 - Complex issue
- Who do you turn to?
 - Trained mediator
 - Trained Alternate Dispute Professional



So, What are the Options for Facilitated Negotiation?

- Arbitration



- Collaboration

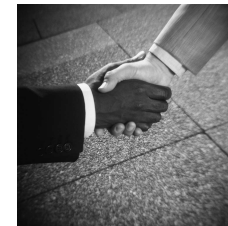


- Mediation

Why Use Any of These Methods?

Generally, All Forms of ADR have Similar Benefits:

- Privacy
- Choice of Team Members or Decision Maker(s)
- Flexible Rules
- Finality
- Enforceable
- Reduced Costs
- Neutral Forum
- Better Preservation of Relationships



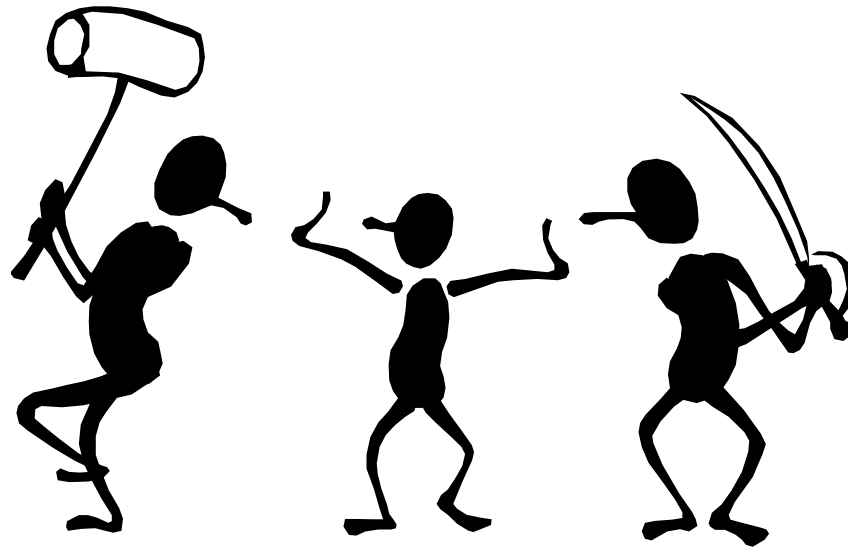
Mediation...

- Neutral Party Facilitates Problem Solution
- Parties “Solve” the Dispute
- Control of Outcome
- Reduction in Time and Expense
- Privacy and Confidentiality
- Flexibility in Creating Solutions
- Constructive Resolutions
- Greater Degree of Compliance by the Parties



What Is a Mediator?

- AKA....
 - Facilitator
 - Consensus Builder
 - Negotiator
- What to look for....
 - Training
 - Broad Life Experience
 - Process Oriented
 - Not Ego Centered



Collaboration...

- Team Approach to Dispute Resolution
- Strives to Protect Relationships
- Parties Control the Process

“As interest based bargainers, we know that our clients care greatly about many matters that lie outside the jurisdiction of the family court....[W]e can include resolution of issues for which no legal remedies would be available in court.”

Pauline H. Tesler, “Collaborative Law – Achieving Effective Resolution in Divorce Without Litigation”, second edition, 2008



Collaboration is for...

- Family Matters
- Students/Parents/Schools....
- Employment
- Construction
- Intellectual Properties
- Building Consensus
- Healthcare
- Personal Injury



Arbitration...

“Equity is justice in that it goes beyond the written law. And it is equitable to prefer arbitration to the law court, for the arbitrator keeps equity in view, whereas the judge looks only to the law....”

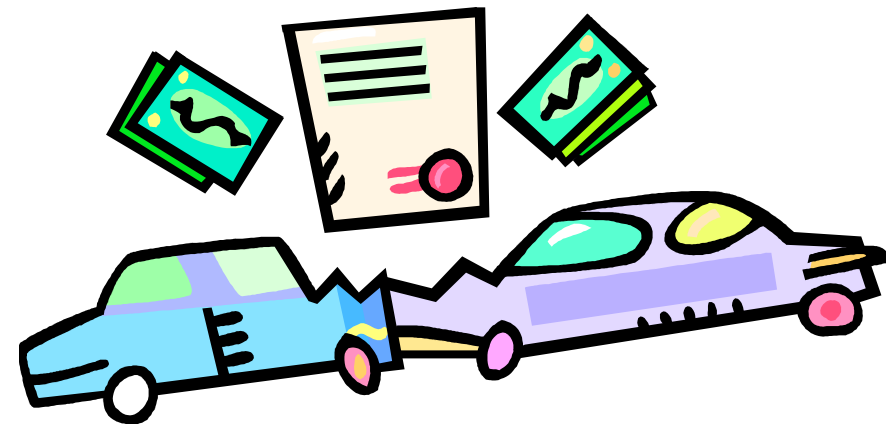


Aristotle

- Similar to the Court
 - Evidence Presented
 - More Relaxed Rules
 - Business-like Atmosphere

What Should be Arbitrated?

- Business Disputes
- Insurance Disputes
- Real Estate Disputes
- Family/Probate Issues
- Single Issue during Mediation or Collaboration



Planning Ahead...Creating Your Own Safety Net

- Disputes will Happen
 - Plan for how They Will Be Resolved
 - Negotiate
 - Contracts
 - Partnerships
 - Business
 - Estate Planning
 - Pre-Nuptials
 - Build in ADR



Be Prepared
- Boy Scouts of
America

Innovative Dispute Resolutions & Mediation Services

- What we offer:
 - Trained Mediators
 - Certified Arbitrators
 - Broad Life Experiences
 - Expert Legal Staff
 - Certified Divorce Financial Analyst
- ***Helping you negotiate your changing relationships.***

IDR's CDFA Provides Multiple Services

- Trained Mediator & Certified Arbitrator
- CDFA™ is a Combination Role
 - Part Financial Planner/Part Tax Consultant
 - Evaluate Net Worth & Net Cash Flow Today and into the Future
 - Evaluate Tax Ramifications of a Proposed Settlement Today and into the Future
 - Provide a 3rd party review of a proposed divorce settlement.
 - This Evaluation considers income, expenses, assets, liabilities, tax filing status, retirement age as well as inflation and events such as selling real property, liquidating a pension, etc.



William D. Taylor, CDFATM

Innovative Dispute Resolutions, LLC

860-350-1437 (P)

860-355-3061 (F)

BillT@IDResolutions.com