

Quick Guide: Common Mistakes That Prevent Settlement



C.A.R. Dispute Resolution
Center for Real Estate

1. **Coming to Mediation Unprepared:** Before mediation, take time to gather important documents, understand the issues, think about possible solutions and identify your priorities.
2. **Focusing on Who Is Right Instead of Finding a Solution:** Mediation is not a trial. The goal is resolution, not proving a point. While parties often have strong views about who is right or wrong, successful negotiations usually focus on:
 - What can be done now
 - What outcome is realistic
 - How the dispute can be resolved
3. **Refusing to Listen:** You do not have to agree with the other party to listen to them. Understanding their concerns can clarify misunderstandings, identify common ground and create opportunities for settlement.
4. **Taking an "All or Nothing" Position:** Parties sometimes enter mediation believing there is only one acceptable outcome. Most successful settlements involve some degree of compromise. Remaining open to different solutions can help move discussions forward.
5. **Letting Emotions Control the Discussion:** Disputes can be frustrating, stressful, and personal. Strong emotions are normal, but they can make it harder to communicate effectively, evaluate settlement options and consider new ideas. Taking a break, asking questions, and focusing on solutions can help keep discussions productive.

Questions about the mediation process? Contact the C.A.R. Dispute Resolution Center at mediation@car.org.