



## Setting Yourself Up for a Successful Mediation

Preparing for and participating in mediation is a stressful experience for all parties. Your client may feel overwhelmed by the process and is looking to you for guidance while you are trying to focus on building a strong case. There is no better way to demonstrate a thorough, well-prepared approach to your client than to involve a trusted settlement consultant.

Here's how your settlement consultant can be a valuable mediation resource for you and your client:

**Advocate for the claimant's best interests:** A defense broker's ultimate job is to secure a settlement that works in the defendant's favor. Naturally, relying on a defense broker rarely benefits your client. Instead, a settlement consultant can help determine the full value of the settlement, factoring in variables such as inflation, rated ages, and your injured client's life care plan. This approach helps create a stronger argument for the appropriate settlement recovery.

Your settlement consultant will also address any Medicare issues, help identify the potential impact on needs-based government benefits (e.g., Medicaid, SSI, etc.), and assist in preparing a plan to preserve your client's benefit eligibility.

**Set realistic expectations:** Claimants often 1) anticipate a much larger recovery than what is possible and/or 2) believe that the settlement proceeds will stretch much further than they actually will. Your settlement consultant will help break down the numbers for your client and will provide education on all available settlement options. By engaging a settlement consultant in advance of mediation, the consultant will have time to dig even deeper into your client's needs and goals, helping to build a plan that meets your client's expectations.

**Ensure all necessary language has been included in the mediation agreement:** If your client wants to place funds in a structured settlement annuity, or if you want to structure your attorney fees, the appropriate language must be included in the final settlement agreement. To further protect your client, get the defense on board early by including the language in the *mediation* agreement.

Here is some sample language to include:

*"Plaintiff and their legal counsel will have the right to receive periodic payments using an annuity and/or market-based structured settlement programs. Such program(s) will be funded by defendant via wire transfer or check to the appropriate assignment company in exchange of a fully executed Settlement and Release Agreement and an Assignment document mutually agreed to by the parties. Plaintiff and/or plaintiff's legal counsel may work with the settlement consultant of their choice."*

Before settling your client's case, work with your settlement consultant to ensure that the appropriate settlement documentation and disclaimers have been included and signed. There are no fees for having the consultant attend the mediation or develop a plan for your client's settlement. For more information, contact Sage Settlement Consulting today at 877-737-7243 or [info@sagesettlements.com](mailto:info@sagesettlements.com).

**Question:** When is the best time to involve a settlement consultant?

- A) Pre-Mediation
- B) During Mediation
- C) Post-Mediation

**Answer:**

*A) Pre-mediation! Engaging a settlement consultant as soon as you open a new case helps reduce the number of issues that can delay your client's settlement. Common roadblocks include outstanding liens, government benefit eligibility, bankruptcy, and probate matters.*