

Client **Guidebook**



Your Guide to
Mediation with
PowerHouse

For Parties, Counsel, and Decision-Makers

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PowerHouse Mediation provides experienced, professional mediation services in civil, family, and complex matters, guiding parties through a structured and confidential resolution process.

PowerHouse Mediation Client Guide

Welcome to Mediation with PowerHouse

Mediation is a structured, confidential process designed to help parties resolve disputes efficiently and thoughtfully. This guide is intended to provide clarity about what mediation is, how it works, and how to prepare so your time is used productively.

Whether you are participating as a party, attorney, adjuster, or decision-maker, preparation and understanding matter. When participants know what to expect, mediation is more focused, constructive, and effective.

This guide is intended for parties, counsel, insurers, and decision-makers participating in mediation with PowerHouse.

1. What Mediation Is – and What It Is Not

Mediation is a facilitated negotiation conducted by a neutral third party. The mediator does not decide the case or impose outcomes. Instead, the mediator manages the process, helps frame issues, and assists the parties in evaluating options for resolution.

Mediation is not a trial, arbitration, or judicial hearing. It is not about determining fault or assigning blame. The focus is forward-looking and practical—assessing risk, cost, timing, and interests to determine whether resolution makes sense.

2. The Role of the Mediator

The mediator's role is to guide the process, not the result. PowerHouse mediators are experienced attorneys, judges, and professionals trained in dispute resolution. Depending on the case, the process may be facilitative, evaluative, or a blend of both.

The mediator may ask difficult questions, reality-test positions, and help parties explore settlement options. The mediator does not provide legal advice to parties and does not advocate for any participant.

3. Who Should Attend Mediation

Mediation is most effective when the right people are present.

Typically, mediation includes:

- The parties
- Legal counsel (if represented)
- A person with full settlement authority for each party

In business or insurance matters, this often means an adjuster or executive with authority to approve resolution in real time. If a decision-maker cannot attend in person, arrangements must be discussed in advance.

4. Preparing for Mediation

Preparation is critical. Mediation is a strategic opportunity, not a casual discussion.

Before mediation, participants should:

- Understand the strengths and weaknesses of their position
- Identify key interests and priorities
- Consider realistic settlement ranges
- Review all mediation materials and submissions
- Prepare clients or decision-makers for potential outcomes

Follow the mediator's specific instructions regarding submissions, pre-mediation conferences, and logistics

Preparation Sets the Tone

5. What to Expect on Mediation Day

Mediation typically begins with the mediator meeting with all participants to explain the process, confirm expectations, and address any preliminary questions. This initial meeting may be brief and is often focused on setting the tone and structure for the day rather than engaging in substantive discussion.

After this introduction, the mediator will generally separate the parties into private rooms. From that point forward, the mediation proceeds primarily through private meetings, often referred to as caucuses.

The mediator will move between rooms, facilitating discussion, conveying information, testing assumptions, and helping the parties evaluate options for resolution. Joint sessions may occur later in the day if the mediator believes they will be productive, but they are not required and are not always used.

Mediation often involves periods of waiting, reflection, and reassessment. This is a normal and expected part of the process. Progress does not always happen in a straight line, and resolution frequently occurs after parties have had time to consider information, evaluate risk, and adjust expectations rather than through immediate agreement.

Mediation Works Best When:

 ***Participants arrive prepared, informed, and empowered to make prepared decisions.*** 

6. Confidentiality and the Mediation Process

Mediation is confidential to the extent permitted by law and agreement. Statements made during mediation are generally not admissible in court, and the mediator cannot be called to testify.

Confidentiality allows parties to speak candidly, explore options, and evaluate risk without fear that discussions will be used against them later.

7. Decision-Making and Settlement Authority

Each party must have a representative with authority to make settlement decisions during mediation. Delays caused by lack of authority undermine the process and reduce the likelihood of resolution.

Settlement authority should be real, informed, and flexible enough to respond to developments during mediation.

8. Common Questions and Misconceptions

- Mediation is a voluntary process. No party is required to reach an agreement or accept a proposed resolution.
- Participating in mediation does not signal weakness or concession.
- Mediation can be productive even when parties strongly disagree.
- Resolution may involve creative or non-monetary terms, depending on the needs and interests of the parties.

Mediation is not a guarantee of settlement. Its value lies in providing a structured opportunity to assess risk, clarify positions, and explore resolution options in a confidential setting.

What Mediation is and what it is not....



Mediation is :

- A *confidential, structured process guided by a neutral mediator*
- An *opportunity to evaluate risk, explore options, and engage in informed discussion*
- A *forum for practical problem-solving rather than formal litigation*

Mediation is not:

- A *trial, arbitration, or court hearing*
- A *process where the mediator decides the outcome*
- A *requirement that any party settle or give up legal rights*
- *Participation in mediation does not obligate anyone to reach an agreement. Any resolution reached is voluntary and based on the informed decisions of the parties.*

9. After Mediation: Next Steps

Whether or not a case resolves on the day of mediation, the process itself often clarifies issues, narrows disputes, and helps parties better understand risk, priorities, and options moving forward.

Mediation is confidential to the extent permitted by law and agreement. Statements made during mediation are generally not admissible in court, and the mediator cannot be called to testify. This confidentiality allows participants to speak candidly, test ideas, and explore resolution without concern that discussions will later be used against them.

If a resolution is reached, the mediator will typically assist the parties in confirming the essential terms of the agreement and outlining next steps for documentation. Resolution does not always happen in the room, but mediation almost always advances clarity, strategy, and decision-making.

Mediation is a process, not a single moment. Progress may continue after the session as parties reflect, reassess, and engage in follow-up discussions.

10. Practical Tips for a Productive Mediation

Mediation works best when participants approach the process with preparation, openness, and good faith.

To make the most of the mediation process:

- Come prepared and informed about the facts, issues, and potential outcomes.
- Listen actively and respectfully, even when you disagree.
- Be willing to evaluate risk honestly, including the costs and uncertainty of continued litigation.
- Avoid rigid, positional thinking and remain open to creative or non-monetary solutions.
- Use the mediator as a resource to test assumptions, explore options, and move discussions forward.

Mediation is most effective when participants engage thoughtfully, remain flexible, and focus on informed decision-making rather than winning a single point.

Contact Information and Resources

PowerHouse Mediation provides professional mediation services in civil, family, and complex matters.

Our work is grounded in a structured, confidential process designed to support informed decision-making and meaningful resolution. If you have questions about mediation, the timing of the process, or whether mediation may be appropriate for your matter, we welcome the opportunity to discuss next steps.

For general inquiries:

info@powerhousemediation.com

For scheduling and case logistics:

scheduling@powerhousemediation.com

We appreciate your preparation and participation in the mediation process.



<https://powerhousemediation.com>

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