



Anatomy of a Mediation: A Dealmaker's Distinctive Approach to Resolving Dollar Disputes and Other Commercial Conflicts: 1

James C. Freund

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For his tenth book, **James C. Freund** has crossed over from a lifetime of negotiating M&A and other business deals to tackle the equally demanding task a mediator confronts in resolving disputes.

Jim has been honing his mediator's craft over the past two decades, with particular emphasis on the toughest of all cases to settle -- the classic zero sum game of a sizeable one-shot dollar dispute over hotly contested issues between sophisticated, well-represented parties. Freund's problem-solving approach -- rooted in his transactional experience and dealmaking mentality is distinctive and has proved its effectiveness on a regular basis.

In *Anatomy of a Mediation*, Jim describes his technique in detail and takes the reader step-by-step through its application in resolving four expansive hypothetical situations, each focusing on a different type of dispute -- such as a case involving multiple parties and another with significant deal elements and forward-looking considerations. You'll learn:

- How to convert that super-charged emotional interplay between adversaries into lower-pressure but more constructive bargaining.
- Why, in dollar disputes, Jim rarely adopts the usual method of carrying offers and counters back and forth, in order to conduct confidential negotiations with each party to arrive at a common resolution level.
- How the mediator recognizes and goes about dealing with the most pervasive deal-killers certain parties present -- indifference to achieving compromise and a lack of reality in appraising the situation.
- What's crucial when you represent a party -- including the need to educate your client that what a successful mediation produces is often less of a *win-win* result and more of a mutually satisfactory outcome that's at least preferable to ongoing litigation.
- How an unabashedly evaluative mediator goes about his work -- generating real movement from a standing start, prodding the parties toward a feasible settlement, and if that proves unavailing, then persuading the parties to come to terms on the basis of the mediator's proposed resolution of the dispute.

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