

Kluwer Mediation Blog

Insurance Mediation

Geoff Sharp (Brick Court Chambers / Clifton Chambers) · Sunday, February 5th, 2012

I mediated an insurance matter this week and as far as insurance disputes are concerned, never has a truer word been spoken;

>Litigants are eager to discuss their cases

Reality; the parties tend to withhold information

>Mediation will be conducted in joint sessions

Reality; the parties prefer private sessions

>Mediation will focus on needs and interests

Reality; the participants will focus on case value

>The parties will engage in creative problem solving

Reality; proposals are monetary in nature – the process is traditional bargaining

>Case analysis will dominate settlement discussions

Reality; case analysis gives way to multiple rounds of monetary proposals

>Mediation will improve working relationships

Reality; the parties become angry with each other as they swap proposals

>Proposals will flow until settlement occurs or best numbers reveal an impasse

Reality; movement stops before best numbers are reached

>A mediator is useless when the parties are exchanging numbers

Reality; a mediator can do much to help the parties overcome their reactivity and move through their negotiation ranges

Thanks to Andy Little


To make sure you do not miss out on regular updates from the *Kluwer Mediation Blog*, please [subscribe here](#).


Profile Navigator and Relationship Indicator

Includes 7,300+ profiles of arbitrators, expert witnesses, counsels & 13,500+ relationships to uncover potential conflicts of interest.

Learn how **Kluwer Arbitration** can support you.

Learn more about the newly-updated *Profile Navigator and Relationship Indicator*



 Wolters Kluwer

The graphic features a black background with white text and a circular icon. The icon depicts a magnifying glass over a group of stylized human figures, representing a search or investigation process. The text is arranged in a clean, modern layout with horizontal lines above the main heading.

This entry was posted on Sunday, February 5th, 2012 at 8:59 pm and is filed under [ADR](#), [Lawyers](#), [Mediation Practice](#), [Practical Challenges for Mediators](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.