

**Arkansas Conflict Resolution Association
Annual Meeting
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MARKETING YOUR MEDIATION PRACTICE

Presented by:

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I. INTRODUCTION

The purpose of this portion of the Arkansas Conflict Resolution Association is to highlight for you some important strategies for building your practice.

SIX PROMOTIONAL STRATEGIES

1. Direct Touch – how can you best approach qualified prospects?
2. Networking– how can you gain credibility in a network of peers?
3. Writing– how can you gain credibility by communicating your expertise?
4. Speaking– how can you stand out as an expert?
5. Keep in Contact – what tools can you best use to stay in touch?
6. Referral– how can you build on the network of those you already know?

Many of you already use these methods every day without realizing just how effective they are, if done in a targeted way. By exploring these concepts and best practices, we will develop a greater understanding of ourselves and become more skilled in growing business and in enhancing the field of dispute resolution.

II. BRINGING THE PRACTICE INTO FOCUS

The people in this room should be congratulated for enhancing the practice through your work and interest in dispute resolution and for participating today. Because of you, at least some basic knowledge of mediation is widespread. Though the education may not be perfect, we are no longer in a situation of being a completely unknown and mysterious art and industry. Most people can at the very least say that mediators bring disputing parties together so that they can communicate their concerns, discuss alternatives, and make a decision.

However, many of us have come here with the idea that there are limited opportunities for work us as mediators. In fact, most practitioners in the room will affirm just how hard it is to make a living solely as a mediator. If you think of a mediator only as someone who is a former Judge or trial lawyer who works with other lawyers to resolve the litigated case, you are probably right that there are few opportunities for widespread growth. It also does not help that nationwide, the profile of successful mediation groups are almost totally male, upper middle class and white. This narrowness in the practice and narrowness of practitioner means that the services mediators presently offer appeal mostly to a narrow range of disputants who share that civil trial frame of reference and / or a similar background of class, ethnicity and culture. The truth is that mediation is really much broader than most of us think.

Message 1

THERE IS NO SHORTAGE OF CONFLICT

So, my first message to the group is that there is plenty of room for growth in this field because there is no shortage of conflict. Rather, we must broaden our traditional point of view so that we can recognize opportunity and realize our potential. For example, last month at the ABA DR Section meeting in Washington D.C., I heard the most recent statistics which show that nationwide, only 10% to 17% of disputes end up in court, depending upon the State. According to the survey, there is tremendous need for conflict resolution services in the areas of family business disputes and child and family issues in particular. Again, this leaves lots of room in the field for all kinds of people who want to do work in conflict resolution and who want to do it as their primary means of earning a living.

Message 2

TAKE A BROAD VIEW OF MEDIATION

So, my second message to the group is that it's probably better to begin to think and speak of conflict resolution rather than just mediation in the traditional sense when we begin to talk about growing your practice. As a practitioner, it does not mean that you must abandon the idea of being a mediator in the narrow sense of the word; it simply means that you don't have to

decide too quickly that civil trial mediation it is the only service you can offer. For example, are you interested in playing a role resolving conflict in the social policy arena such as affordable housing, health care, immigration, welfare, day care, drug abuse, capital punishment, incarceration practices, or abortion? Or, in an environmental issue such as drilling, global warming, wetlands regulations, revising rules about logging in national forests, or energy policy of interest to you?

Are there conflicts in your local community in which you could play a role? Could you conduct public meetings and facilitate advisory groups to bring citizens from different neighborhoods together? For example, are difficult decisions being made to close older neighborhood schools for efficiency or demographic reasons. Also, for example, are there disputes about the allocation of resources among farming, urban, wildlife and recreational needs for which you could be of assistance? Do you have a background as a mental health provider or in social work that you could use to develop a conflict resolution practice?

Do you have the ability to do empirical research? If so, there is current critical need to begin to document and evaluate the financial benefits of saving time, money, resources and building goodwill through settlement. Would you enjoy conducting surveys of practitioners, judges, advocates and consumers to document the reasons for the high levels of individual satisfaction with dispute resolution processes? Are you interested in developing ADR in Arkansas in a sustainable way, and to turn your attention to helping the leaders and practitioners of this State to learn from the mistakes of other States?

Message 3

CONFLICT IS MORE THAN JUST RESOLUTION

My third message to you is that even ‘resolution’ in dispute resolution is too narrow a concept; in that there are many other valuable things that are being done in other stages of conflict besides just the resolution phase.

- People are working to avoid conflict – dispute system design, peer review, etc.
- People are working to engage conflict – advocate, strategist, organizer, etc.

- People are working to manage conflict – ombudsman, trainer, case manager, etc.
- People are working to resolve conflict – mediators, arbitrators, facilitators, etc.

If you choose the traditional civil trial mediator approach, you must be prepared to provide an excellent service, to vigorously market, to work for referrals and to educate others about what you do. Some choose to use their influence to try to create mandatory mediation systems as a way to get business. Others choose to develop relationships with certain industries or institutions who can give them a book of business, arguably letting go of their impartiality. Still others use trade on their willingness and ability to provide strategic advice, recommendations, and evaluations of cases to others, letting go of neutrality and performing a service that does not necessarily require any training or aptitude at mediation. Some would say that these other functions are not mediation. Others say that these arrangements are too far from the mediator ethic of impartiality and neutrality and should be regulated out of existence.

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| Message 4 WHY AM I HERE? |
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- 1. Be good at what you do.**
- 2. Understand why what you do is important to yourself and to society.**
- 3. Educate others, both consumers and providers.**
- 4. Contribute to the field.**
- 5. Self regulate.**
- 6. Create opportunity for others.**

III. FORMULATING YOUR MARKETING MESSAGE

Please consider the following questions and use the space provided to note your thoughts.

1. You: What is your background?

2. Service: What solutions do you provide or want to provide?

3. Competition: who are your competitors?

4. Differentiation: what makes you stand apart from your competitors?

5. Clients: What people or industry do you serve and where are they?

6. Needs: What are the needs of the clients you serve?

7. Benefits: what are the core benefits a client receives from your service?

Determining Your Target Market

1. Demographics – what kind of industry (its size, location, licensing practice, etc.) or individuals (perhaps situation, income, gender, education, etc.) do you serve?

2. Psychographics – what values, philosophy, interests, or characteristics best describe your clients?

3. Challenges – what are your target market’s predicaments?

4. Points of Contact – Who are they? What do they read? Where do they network?

IV. THE BUSINESS OF ADR

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| New Business Checklist 1 |
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Background work

Assess your strengths and weaknesses.

Narrowly define your business concept.

Establish business and personal goals.

Assess your financial resources and risk tolerance.

Determine the start-up costs.

Do market research.

Identify your customers.

Identify your competitors.

Develop a marketing plan.

New Business Checklist 2

Business transactions

Consult a lawyer or colleague.

Choose a form of organization.

Create your business (register your name, incorporate the business, etc.).

Select accountant / banker / business advisors.

Prepare a business plan.

Set up a business accounts.

Apply for business loans / establish lines of credit.

Select an insurance company.

Obtain insurance.

New Business Checklist 3

First steps

- Get a logo.

- Get business cards / letterhead.

- Review local business codes and obtain licenses or permits.

- Obtain office space.

- Get furniture and equipment (Phone lines, Internet connection).

- Get a federal employer I.D. Number (if applicable).

- Send for federal and state tax forms.

- Join a professional organization(s).

- Set a starting date.

- Use direct touch, networking, writing, speaking, making contacts and referrals.

Executive Summary

1. Solution statement – simple phrase that describes the solutions you offer.
2. Problem – discuss the predicament faced by the majority of your target market.
3. Resolution – discuss what’s possible if you solve this problem.
4. Why – discuss why companies are stuck in #1 and #2.
5. What you need to do – discuss the steps necessary to resolve this issue.
6. Why us? A statement of why you are qualified to provide the above solution.
7. Benefits: what are the core benefits a client receives from your service?

Websites and Brochures

1. Executive summary.
2. Need help? This page goes into more depth about the problem. It lets the client know whether they have the kind of issue you can help them with.
3. Services – this page gives an overview of the various services you offer and the advantages and benefits of those services.
4. Clients – this page provides a list of clients you’ve worked with, testimonial quotes and case studies of various successful projects.
5. How we work – this page outlines the process of working with your company. What you do, how you do it.
6. About us – this page contains background material on the company and principal(s) of your company, including philosophy, values and approach to client work.
7. Articles – published or unpublished articles on areas related to your field of expertise.
8. Resources – Any other relevant material that would be of interest to a client.
9. FAQ Page – Frequently asked questions and their corresponding answers are often useful in summarizing what you do and the benefits you offer.
10. Contact us – what they need to do to be in touch with you and how you start working with clients.