



# D&O Marketplace “Mediation Strategies”

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# Timing

- Advantages & Disadvantages
  - How early is too early?
  - When is a case “ready” for mediation?



# Role of Insurance

- Multiple Towers - Related Claim Issues
- Impact of Side A
- Not Enough Proceeds?
- Company's Ability to Pay?
- Do Insurance Carriers Have Too Much Say in the Process?



# Role of the Mediator and Process



- Pre-Mediation Planning
- Conditions Precedent to Mediation
- Common Session Useful or Not?
- Mediator's Proposal

# Breaking Down the Negotiations

Strategies and Tools

What is Philosophy Behind Opening Demands?

Brackets

# Legal Trends

- Securities Class Actions
- Derivative Cases
- Financial Credit Crisis and Other Financial Institutions Matters
- Litigation Costs are Skyrocketing, But Are We Mediating Too Often?
- What is Next Shoe To Drop?

# Questions & Answers

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