

Innovative Ways to Build and Grow a Mediation Practice—And How to Make Money Too

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- Shannon M. Vajda- CEO/Owner of Pacific Coast Partnership, Inc. & Mediation Practice in a Box.
- Pacific Coast Partnership, Inc. is made up of Pacific Coast Mediation (family law mediation services) and Pacific Coast Advocates (special education advocacy services).
- Mediation Practice in a Box is a product that provides processes, procedures, templates and training for mediators

START OF PCM

- Address criticism
- Structure that allows for growth
- Hired attorney who co-mediated

STRUCTURE

- More time working on business increased volume
- Volume produced by having structure, procedures and automatization; ELIMINATE need to reinvent wheel for each client
- Provides growth & consistent client experience.
- Automatization allowed for hiring office administrator who could easily implement with consistency

MODEL

- PCM using a team model for all divorce mediations.
- Co-mediated with a male & female attorney or male attorney & female CDFA mediator.
- MFT comes in when clients want additional support with co-parenting strategies or parenting plan support.

TEAM APPROACH

- Team approach allows for the owner of the practice to choose to stay active in the mediations, take just a couple a month or stop mediating and just focus on running and growing the company.
- Start by hiring one team member then set benchmarks: number of mediation needed before hiring a second team member.

STRUCTURE

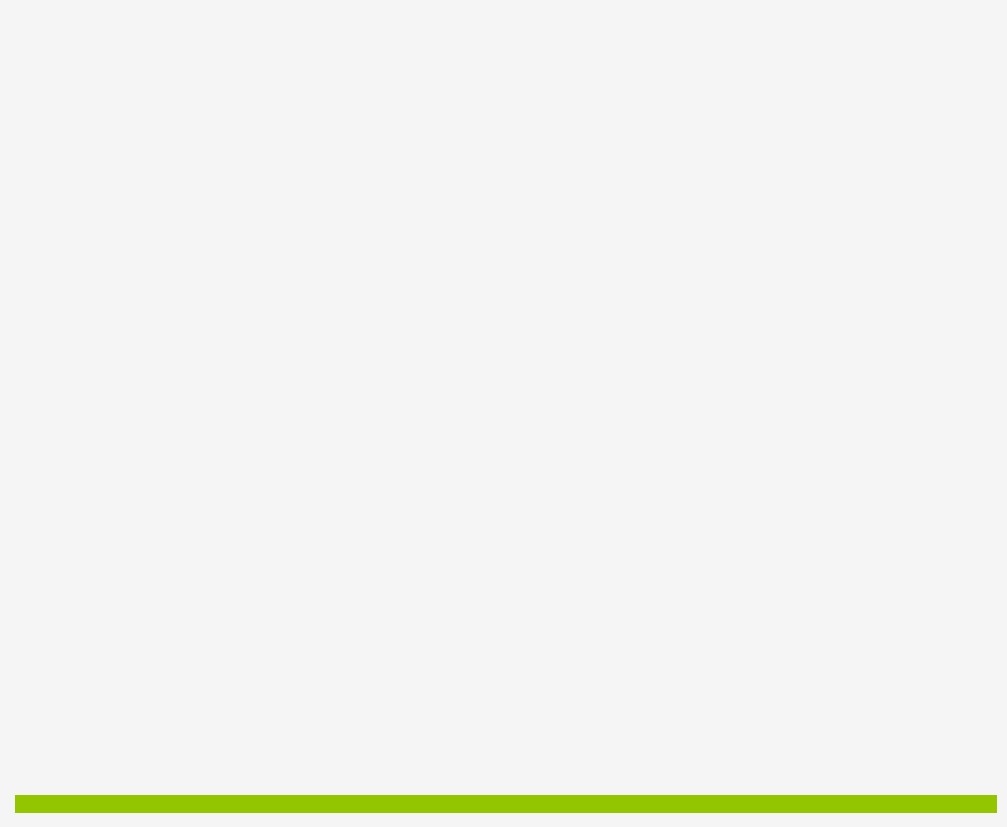
- If goal is to stay active in mediations, for example, then first or second hire should be an office administrator who can implement process & procedures using templates so that it is automated as much as possible and she/he can give good personal service to all potential clients.
- Some mediators do not want to work in a team model and want to continue doing mediations; it's important to ensure clear process, procedures and template to automate as possible to allow for volume with consistent client experience.

CONCLUSION

- In the mediation profession, we encourage our clients to think outside the box and find creative solutions to their conflicts and I am encouraging you to do the same by thinking of creative uses for your ADR skills in your chosen profession or create a new structure for your practice.

Managing A Mediation Business

A Mediation Practice is a Business Too



- Kathleen Coble- family law attorney and mediator in Austin, Texas, CEO, Book Mediation
- Former corporate accountant, BBA from UT-Austin
- Book Mediation does online scheduling for mediators—let's all get more business and make it faster and more efficient

There are only two ways to make more money:

- Bring more money in
- Send less money out

Bringing More Money in the Door

- Mediations—having the number that you want
 - Networking—this isn't a task that is ever done
 - Scheduling—make sure you are capturing all the mediations you can
 - Covering for other mediators
 - Making the mediation experience great for your customers—don't forget about the paralegals
 - Marketing yourself—what are you bringing to the table and why should they hire you?
 - Getting new customers in the door
- Cancellation fees—pros and cons
- Flat fees v. hourly charging
- What is your market doing and where are you in the market?

Collections/Billing

- Making sure you are getting the money you are earning
 - How are you taking payments?
 - When and how are you collecting?
 - Signed agreements
 - Invoicing/billing

The Overhead Monster

- Fixed
 - Rent
 - Utilities
 - Salaries
- Variable
 - Bonuses
 - Outside help (accountants, IT)
 - Mediation expenses (lunch, snacks, drinks, copies, credit card fees)

Managing Overhead

- Planning
 - Making a budget
 - Be conservative—it's always better to end up with more money than less
 - Be realistic
 - Don't forget the small stuff that can add up
 - Don't forget outside help—you can't do it all yourself
 - Getting the right facilities for your budget
 - Getting your vendors
 - Sharing expenses

Tracking

- Bookkeeping
- Billing
- Budgets/reports
 - Am I sticking to the plan?
 - Is the plan working?
- Make sure you have programs you can use and afford

The Revenue Leak—don't let your mediation expenses eat up your profit

- Mediation expenses that add up
 - Copies
 - Travel—the mediation is where?
 - Time spent setting up mediations
 - Office Staff
 - Lunch/snacks/refreshments—how many people did you say are coming?
 - As much comfort as you can afford
 - Credit card fees

How to Plug the Revenue Leak

- Additional fees in addition to your hourly rate
 - Travel fees
 - Prep time charge
 - Administrative fee

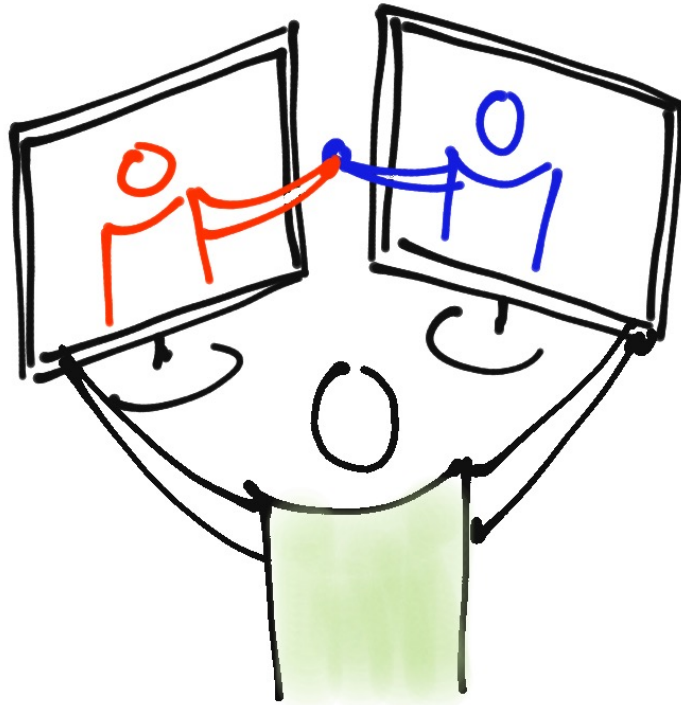
When the plan doesn't work

- Take another look at your hourly rate
- What money is slipping through the cracks?

Big Problems to Avoid

- Taxes—withhold it and don't spend it
- Reporting—what are all the reports you need to file?
 - Big area to have outside help
- HIPAA rules—don't mess around with HIPAA

ONLINE MEDIATION: PRACTICAL TIPS AND BEST PRACTICES



- Susan Guthrie – Family Law Attorney and Mediator
- CT Family Law Online – a provider of online unbundled family law and mediation services to residents of Connecticut
- Breer Guthrie Law Group – Providing Legal Support to Family Mediators via an online platform
- LearntoMediateOnline.com – Training for mediators and other professionals on the use of the online platform to provide client services in a responsible and proficient manner.

ADVANTAGES & DISADVANTAGES

- Convenient
- Separation
- Privacy / Comfort
- Accessibility
- It's Different
- Tech Fear
- Less Personal
- Security Issues

TWO KEYS TO SUCCESS:

- ESTABLISHING AND FOLLOWING "BEST PRACTICES"
- MEDIATOR PREPARATION AND CLIENT EDUCATION

Online Mediation Guidelines

CHOICE OF PLATFORM

- Confidential and Secure – Encrypted, Password Protected and Secure WIFI Network
- Facilitates the Process – Sufficient Participants, Screen Sharing, Party Mute for Caucus and “Waiting Room”
- Secure Document Transmission as Well – No Email, Secure Platform – Dropbox, SendInc.com, Box.com, etc.

CONFIDENTIALITY & PRIVACY PROTECTION

- Issues in Every Mediation but now the Client Environment is out of your control
- Client Education and Guidelines are Imperative

MEDIATION CONFIDENTIALITY

- California Law – Evidence Code 1119 Mediation Privilege
- Dissemination to Third Parties can Waive the Privilege
- Risks in Online Mediation
 - Unintended Third Parties
 - Recording of Sessions

PRIVACY

- Mediation is a Private Process – Major Benefit
- Beyond Confidentiality – Privacy is Inherent to the Process
 - Breach of Trust to Include Unauthorized or Undisclosed Third Parties
- Written Explanation and Rules – For Client's Protection and to Maintain the Integrity of the Mediation Process

PRACTICE TIPS FOR A SMOOTH PROCESS

- Set Expectations to Minimize Interruptions and Distractions:

Interruption Free Zone - Request Client take Reasonable Measures to Insure not Interrupted
Child Care, Notice to Co-Workers, etc.

Technology Hiatus – No Web Surfing, Checking Emails, Texting or Other Use of Technology During Sessions

TECHNOLOGY ISSUES

- Familiarization with Platform in Advance
- Practice Session
- Early Log-On for Sessions
- Technology Failure Protocol
- Caucus Failure

ONLINE MEDIATION

- Expand your Client Base, Availability and INCOME
- Convenient for Mediator and Clients
- Disadvantages Can Be Effectively Minimized or Eliminated with Proper Preparation and Client Education
- Use Your Online Mediation Guidelines
- Final Tip: ADD IT TO YOUR WEBSITE!!!

Practice Innovations Panel:

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