

Santa Barbara Lawyer

Official Publication of the Santa Barbara County Bar Association
September 2025 • Issue 636



A Historic Moment:
Judge Teresa Martinez Joins
the Santa Barbara Judiciary

Six Strategies for a More Effective Mediation

BY TIM REUBEN

It's often easy to get into a dispute with someone, but not so easy to get out of one. That's where mediation comes in. It is a private and confidential process where a mediator tries to help find a resolution so you can get out of fighting and move on to something more productive. Other than the cost of the mediator, there is almost no downside to attempting to settle your issues through mediation, so it should typically be on the must-do list. But here are a few tips on mediating.

Tip No. 1: Remember what the point of a mediation is.

When you settle a dispute, whether it is a lawsuit or an issue that hasn't yet gotten to a courthouse, you will always have to compromise on what you believe you deserve. So will the other side. You can always continue to battle, but litigating or going through any dispute process is time consuming, expensive, and extremely taxing on your soul. The point of a mediation is to find an option, an alternative to going down the nasty road of controversy. You can always elect to do that, but a mediation is to find a solution to avoid that. And for that, you will have to give a little to get a little. So don't go in expecting to be a winner and receive everything you want. The win in a mediation is the end of the dispute, not a complete victory. So be ready to compromise and see what concessions your opponent will make.

Tip No. 2: Leave your emotions at home.

Many disputes are highly charged and can bring out strong emotions on both sides. But being outraged or angry or sad or defiant doesn't help you to create an option. If you choose to go to court, you can express your emotions when you testify. But you don't testify in a mediation. Instead, you want to be calm and pragmatic and see what kind of option you can create for yourself. When the negotiating is over, you will then have a choice—hopefully a reasonable one—that you can live with and thus end your dispute.

But if you let your emotions control and want to feel some justification or endorsement of your position, that is just going to get in your way.

Tip No. 3: Make your best points.

Your goal is to convince the other side that they need to compromise their position, so determine your strongest arguments and your best facts and push them. Don't waste much time on the small stuff and never be petty. Simple straightforward points about why you have a good position need to be communicated to the mediator so he or she can explain them to your adversary and show that you have legitimacy and they have risk. So don't hold back your best evidence or your strongest points, thinking that you don't want to show your hand. By making the good arguments, you improve your chance of getting an acceptable resolution.

Tip No. 4: Know what you can live with and what you can't.

If you attend a mediation, during negotiation you will have to give up something that you believe you deserve. So, before you get there, figure out what you can comfortably sacrifice in an effort to resolve the situation. Take into account that you must give up something that the other side wants. Frequently the negotiation revolves around money, so whether you are paying or receiving, come to some realistic recognition of what you can find acceptable. You may even have to compromise that, but the good news is that it will be your choice under your control.

Tip No. 5: Patience is a virtue.

Mediation is a process that takes a bit of time, in fact, sometimes a lot of time. People need to tell their tale, then process any counterpoints, then contemplate compromise. Don't expect things to resolve quickly and don't worry if they don't. Disputes ripen over time to a point where parties that refuse to compromise at one point become more malleable as time goes on. Frequently, successful mediation takes multiple sessions and can continue over months and



Tim Reuben

Continued on page

Mediation

even years. However, if the parties have patience and open minds, at some point an experienced mediator can find common ground that both sides can live with.

Tip No. 6: Use a good mediator and don't be afraid to change.

Hire a mediator who will work hard to achieve a resolution. If you don't like your mediator during the first session, end early and then hire a different one for the next session. Sometimes it's chemistry, sometimes it's timing, sometimes it's experience, but whatever it is, use an experienced mediator to help and if that mediator isn't working, change it up. ■

Timothy D. Reuben is the founder of Reuben Mediation and managing partner of Reuben Raucher & Blum, a Los Angeles litigation boutique. He has more than 40 years of experience resolving complex business, real estate, and partnership disputes and now serves as a mediator and arbitrator throughout California.

Feature

trial will help you shape your arguments and evidence presentation.

Remember, a compelling story often includes relatable characters, a clear plot, a captivating narrative point of view, and an engaging structure. When you are trying to persuade an opposing party, a neutral, or a jury, a compelling story, well-told, can often carry the day. A focus group or mock jury can help you craft an appealing story.

Depending on the posture of your case you may need to tell the story in a mediation brief, an opening statement or in closing argument. Use the evidence you have gathered to bring the story to life – photos, testimony, sub rosa video, a day-in-the-life video – whatever you have that demonstrates the story you need to tell to effectively advocate for your client.

At the end of the case, your diligent preparation will have made the difference in the outcome you obtained for your client. It is always worthwhile to put in the effort. ■

Barbara Carroll is the Senior Deputy County Counsel for Santa Barbara County.



TIMOTHY ALGER

With over 30 years experience as a top business and IP litigator at major law firms and former Deputy General Counsel at Google, Tim now brings his unparalleled expertise to Santa Barbara as a mediator offering creative solutions for complex disputes.




algeradr.com
888.872.9550

**Experienced.
Trusted.
Proven.**

Mediator and arbitrator
for the resolution of
cases including:

- Business/Commercial
- Contracts, Employment
- Environmental and Real Estate
- Construction
- Wills and Trusts
- Family Law
- Personal Injury

Retired Judge, Elinor Reiner



Judge Elinor Reiner
MEDIATOR AND ARBITRATOR

To schedule a consultation, please call 805-879-7517
elinor@elinorreiner.com • WWW.ELINORREINER.COM

NOT A RETIRED JUDGE. A PRACTICED PERSUADER.

Tim Reuben is a seasoned trial lawyer and business leader offering mediation and arbitration services for complex business, real estate, and partnership disputes. Known for his practical judgment and direct approach, he helps parties move past gridlock with insight, preparation, and respect.

Practice Focus

- Real estate and construction
- Business and commercial conflicts
- Employment matters, including executive disputes
- Intellectual property and entertainment law
- Professional liability and unfair competition
- Partnership and closely held business conflicts
- Insurance Coverage & Bad Faith Litigation



Contact:
info@reubenmediation.com
(310) 777-1990



NOW SCHEDULING MEDIATIONS AT
REUBENMEDIATION.COM
SERVING CLIENTS THROUGHOUT CALIFORNIA