



Preparing for Mediation: From Selection to Presentation of Claims

Alternative Dispute Resolution

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Meet the Faculty

Panelists

[Leslie Berkoff](#) - Moritt Hock & Hamroff LLP

[Byeongsook Seo](#) - Snell & Wilmer

[Elizabeth Champnoi](#) - Champnoi Dispute Resolution & Management Services, Inc.

Moderator

[Jeffrey Zaino](#) - American Arbitration Association

About This Webinar

Preparing for Mediation From Selection to Presentation of Claims

This webinar covers how to begin the mediation process. We review mediator selection, including interviewing, checking references, and deciding who may be the right fit for your specific dispute.

From there, we discuss how to best prepare for the mediation.

- How should a risk analysis be performed?
- What and who should you consider having at the mediation, and how to make those decisions?
- What is a risk analysis, and when should you perform the same? How do you prepare your client for the mediation process?
- What about preparing or communicating with the mediator?
- What are the key components of the mediation process to ensure you have done everything possible to achieve a negotiated resolution?
- How to prepare a pre-mediation statement - should it be joint, mediator's eyes only, or a combination?
- How to evaluate whether a joint session will be productive versus starting and staying in caucus.

About This Series

Alternative Dispute Resolution 2026

This webinar is part of a series titled “Alternative Disputes Resolution 2026.”

Disputes arise in various business contexts. Examples include contracts, torts, and M&A. Disputes between business partners can lead to the need for a business ‘divorce.’

Not all business disputes, however, need to end in a courtroom. Many companies consider alternatives because they want to keep matters private and resolve disputes faster and cheaper.

This Series reviews both traditional forms of alternative dispute resolution (“ADR”)- Mediation and Arbitration. Among other things, participants will learn:

- The preliminary steps in preparing for a mediation, include mediator selection, preparing one’s case, pre-mediation submissions, and risk analysis.
- Presenting one’s case for mediation, understanding the process, how to work with the mediator, how to work through an impasse, and how to achieve a creative resolution.
- The arbitration process, beginning with how to prepare and file claims, picking an arbitrator (or arbitrators), preparing for the preliminary conference, and more.
- Presenting your case and claims to the arbitrator or panel.
- Early-stage discovery options, motions, pre-trial statements, the arbitration hearing itself, and post-arbitration submissions and awards.

Episodes In This Series

1. Preparing for Mediation: From Selection to Presentation of Claims

Premiere date: 4/21/26

2. Conducting the Mediation

Premiere date: 5/19/26

3. Preparing for an Arbitration

Premiere date: 6/23/26

4. Handling the Arbitration

Premiere date: 7/21/26

Episode #1

Preparing for Mediation: From Selection to Presentation of Claims

Each Financial Poise Webinar is delivered in Plain English, understandable to investors, business owners, & executives without much background in these areas, yet is of primary value to attorneys, accountants, & other seasoned professionals. Each episode brings you into engaging, sometimes humorous, conversations designed to entertain as it teaches. Each episode in the series is designed to be viewed independently of the other episodes so that participants will enhance their knowledge of this area whether they attend one, some, or all episodes.

What is Mediation?

Mediation v. Litigation



What is Mediation? *(cont'd)*

Mediation v. Arbitration

Is Mediation Appropriate For You?



Is there a mediation agreement?

Is Mediation Appropriate For You? *(cont'd)*

What if you
don't have a mediation
agreement?

When Should We Mediate?

Types of
disputes
appropriate for
mediation



When Should We Mediate? *(cont'd)*

What if we don't think
mediation will be
productive?

Do We Have Enough Information For Mediation?

How can we get information from the other side before mediation?



Can We Force the Parties to Mediate?

Agreements to mediate



Can We Force the Parties to Mediate?

(cont'd)

Court Mandated Mediation

Advantages

v.

Disadvantages

Can We Force the Parties to Mediate?

(cont'd)

Timing



How Do We Get the Mediation Process Started?

- Request v. demand for mediation
- Is there an obligation to mediate?

What Should You Expect From the Mediation Process?

Selecting a mediator



v.



v.



What Should You Expect From the Mediation Process? *(cont'd)*

- Selecting a Mediator
 - Credentials
 - Experience
 - Expertise
 - Personality
 - Selection process

Settlement and Mediation

- Should we offer settlement before mediation?
 - Setting “floors” & “ceilings”



What Should the Client Do Prior to Mediation?

What are your goals?



What Should the Client Do Prior to Mediation? *(cont'd)*

What are you willing to walk away with?

What Should the Client Do Prior to Mediation? *(cont'd)*

- Information you have but your attorney may not
 - Personality of participants
 - Motivation of participants

What Will the Attorneys Do Before Mediation?

Mediation statement

What Will the Attorneys Do Before Mediation? *(cont'd)*

Confidential

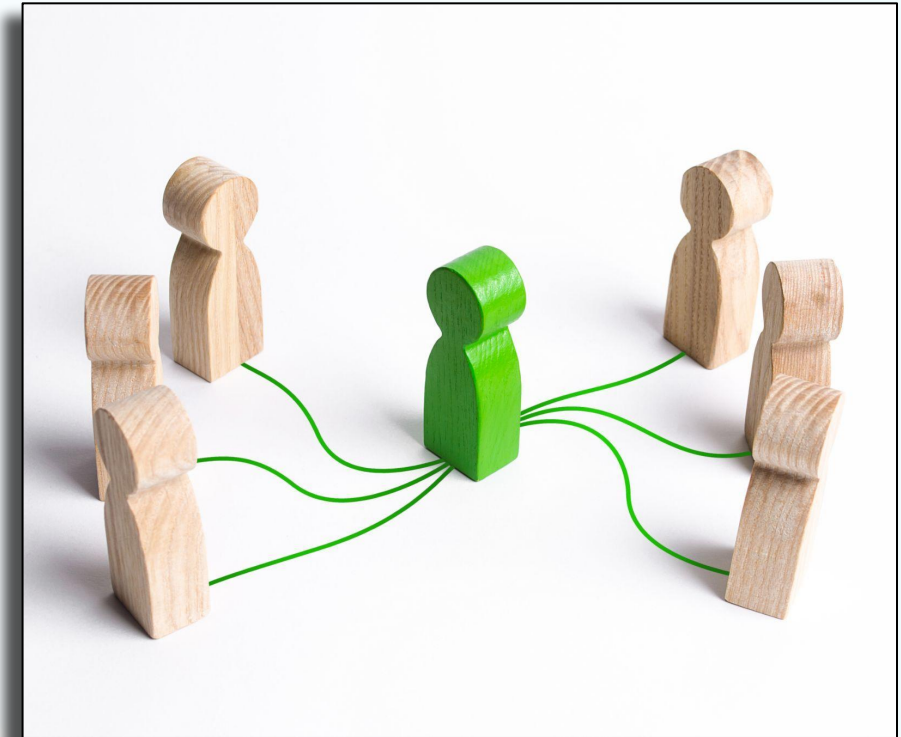
v.

Exchanged
statements



What Will the Attorneys Do Before Mediation? *(cont'd)*

Communication with the Mediator



Questions or Comments?

If you have any questions about this webinar that you did not get to ask during the live premiere, or if you are watching this webinar [On Demand](#), please do not hesitate to email us at info@financialpoise.com with any questions or comments you may have. Please include the name of the webinar in your email & we will do our best to provide a timely response.

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Meet The Faculty

Leslie A. Berkoff - lberkoff@moritthock.com



Leslie A. Berkoff is a Partner with DR Practice Group, where she serves as Chair of the firm's Dispute Resolution Practice Group and is the former Co-Chair of the firm's Creditors' Rights and Restructuring Department. Ms. Berkoff splits her practice between these two Practice Groups. In the restructuring space, she concentrates her practice in chapter 11 cases, bankruptcy litigation and corporate workouts, where she represents a variety of corporate debtors, trustees, creditors and creditor committees both nationally and locally. Ms. Berkoff is an experienced commercial litigator. Ms. Berkoff's Dispute Resolution practice has her frequently serving as an ad hoc and panel mediator; she is on the Mediation Panel for the Eastern and Southern Districts of the United States Bankruptcy Courts in New York, the United States Bankruptcy Courts in Delaware and the Eastern District of Pennsylvania, as well as the Commercial Mediation Panel for Nassau County. [Read More](#)

Byeongsook Seo - bseo@swlaw.com



Byeongsook Seo is an attorney in Snell & Wilmer's Commercial Litigation practice group. He represents clients in complex business disputes. He has represented high-tech clients in disputes that ranged from patent and trade secret enforcement actions to disputes over the sale of high-tech products. Byeongsook's clients have sought his guidance in disputes related to failed business ventures and disputes among business partners, shareholders and directors. He has defended many officers and directors from lawsuits arising out of their business dealings. He also represents investors in disputes arising out of their private investments.

Many of his cases have involved hearings regarding extraordinary remedies such as injunctions and receiverships. Byeongsook is experienced in all aspects of litigation, including trials and appeals, injunction hearings, receivership hearings and arbitrations.

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Elizabeth Shampnoi - elizabeth@shampnoiadr.com



Elizabeth J. Shampnoi is an attorney, consulting expert, independent mediator, arbitrator and trainer based in New York City with 20 years of experience in the field of alternative dispute resolution.

Ms. Shampnoi's focus on alternative dispute resolution began early in her career when she served as the District Vice President of the New York region of the American Arbitration Association. In that role, Ms. Shampnoi was responsible for overseeing case management; mediator and arbitrator recruitment, training and development; and working with in-counsel counsel and law firms to develop and implement dispute avoidance and dispute resolution programs, including internal employment dispute resolution plans.

Following her tenure at the American Arbitration Association, Ms. Shampnoi joined a litigation boutique where she represented a diverse range of organizations and individuals before state and federal courts, administrative agencies, and arbitration forums. [Read More](#)

Jeffrey Zaino - zainoj@adr.org



Jeffrey T. Zaino, Esq. is the Vice President of the Commercial Division of the American Arbitration Association in New York. He oversees administration of the large, complex commercial caseload, user outreach, and panel of commercial neutrals in New York. He joined the Association in 1990. Mr. Zaino is dedicated to promoting ADR methods and services. His professional affiliations include the American Bar Association (Executive Committee Member of the Dispute Resolution Section, Marketing Committee and Chair of the Arbitration Committee of the Business Law Section), Connecticut Bar Association, District of Columbia Bar Association, New York State Bar Association (Dispute Resolution Section - Executive Committee Member and Chair of the Public Relations Committee and Blog Administrator for the Section and Commercial & Federal Litigation Section - Chair of the ADR Committee), New York City Bar Association (Member of the Arbitration Committee and Affiliate Member of the ADR Committee), [Read More](#)

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