

## **Mariani Mediation Services, LLC Explains Why Resolution Is the Real Client In a Mediation**

Since 2016, Ms. Amy Cashore Mariani has elevated her legal acumen to an even greater purpose and passion—Mariani Mediation Services, LLC. As an experienced litigation attorney, with over twenty years advocating for clients, she has successfully shifted her mindset from representing one side of a legal complaint to being a neutral party in a dispute. “My job is to help both sides get to a point where they can walk away happier than they were before. My client is the resolution, the agreement,” she states. There are many contributing factors to her success in accomplishing just that.

First, Amy brings to the table a complete understanding of employment law, personal injury, and business related conflicts, having litigated in these practice areas. Previously, she was a partner in a boutique law firm, at the time the largest women- and minority-owned practice in New England. Her firm specialized in representing Fortune 250 companies. When the legal industry changed in the late 2000s, Amy took the opportunity to explore new possibilities in utilizing her legal knowledge and skills. Contemporaneously, she factored in shifting work-life balance priorities. “I took the training to become a mediator and began working in that niche. I realized a new-found love,” she enthuses. In 2016 when her law partner retired, she decided to shift her practice to mediation on a full-time basis.

Open and forthright communication is a second reason for her successful mediation practice. She shares her perspective when she says, “One of the things I like to tee up from the very beginning is to let both sides know that I’m going to be asking some very difficult and uncomfortable questions.” She is quick to point out that her purpose in this approach is to help both sides assess and analyze their positions in a way that they had not done prior to participating in a mediation. While doing this, she maintains her position as the peacemaker.

Her communicative appeal informs a third reason for her solid reputation: lawyer buy-in. Occasionally, one of the variables that comes up for discussion with the attorneys in asking pointed questions is if she is the best fit for their particular case. Reasons why she will take the initiative to refer a case out usually stem from a complex tax scheme, for example, or if there’s a detail about the case that she knows will be useful for the parties in developing a better rapport with another mediator. An important by-product of this discernment and honesty often solidifies her reputation among lawyers who need her mediation services.

By drawing on her neutral mindset, as well as her transferable legal knowledge, many times it’s her soft skills, ability to finesse and work through an issue that could otherwise derail a mediation that starts off or is headed in the right direction. On those occasions, Amy will recommend suspending the proceedings until the added information can be digested and place both parties back on a level playing field. Other considerations that can surface during a mediation and require addressing real-time include tax consequences that need to be reviewed by an accountant.

In our podcast, two other scenarios that Amy mentions she mediates successfully center around the emotion that a party might feel. For example, the dissolution of a business can be likened to a marital divorce, because both involve partners. Or, sometimes, as she relays, "If someone's there because they want to punish the other side or because they want to assert power over the other side, it's going to be a lot harder to resolve that case if they feel that they're doing the right thing. And they don't want someone else to get harmed in the way that they were harmed." Even if and when emotion catches them off-guard, she recognizes that a party needs to be heard. However, she is careful to then point out what the possible retribution will cost them financially and personally, if they allow emotion to cloud or compromise their reason for participating in a mediation.

When the air is cleared, the fun part, she says, really begins in exploring the various options with the parties. Her experience with complex cases has involved multiple sessions, especially when there are several different issues to deal with, such as real estate, assets, liabilities, inventory, and intellectual property.

A mediation can last for a half-day, if the parties are fairly amenable and want to work through and expedite the process. Amy also schedules more complex mediations for a full day. Sometimes, after the parties have come to an agreement, the mediation extends further, while the parties fixate on the language of the terms; though, as a matter of practice, she will have already instructed the attorneys to prepare as much of that as possible ahead of time. "There are other deals where parties are not a hundred percent confident in the decision they've made. And those are the ones where you tend to have to really dig deep and make them circle back to why did they agree to the deal in the first place," she elaborates.

Fellow attorneys are Amy's biggest referral source, and she is vocal about expressing her appreciation. "It's the highest compliment that anyone can pay me, is to want me on a second case or to give my name out to someone else when asked." Proof of this, is that she is on her fifth generation of cases stemming from one attorney, as of this publication. This chain of referrals isn't restricted by geography; Amy has facilitated many mediations with parties across the country, as well as internationally, via Zoom. When asked who her ideal client is, she quickly answers that attorneys with lots of cases in employment, personal injury, or business contexts with trials scheduled within the next eighteen months are the cases for her.

From this podcast, it became clear what makes Mariani Mediation Services, LLC better and different. It is Amy's stellar background, unique transferable and soft skills, her comprehensive preparation and approach to mediation which she utilizes to the full to address the real breadth and depth to this niche within the legal industry.

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