



## SuperStar Communicator Podcast

# Calm the Conflict: Mediation Insights with David Goldberg

Susan Heaton-Wright [00:00:02]:

Hello, everybody. This is Susan Heatonright from Superstar Communicator podcast. As you know, this podcast is all about business conversations, how we communicate effectively, listening as well as speaking for career success. And we have interviewed many, many exceptional guests who are very successful in their own right, and they're using business communication with that. And our guest today is no exception. He is David Goldberg, a partner at EMW Law and a very experienced, accredited mediator. Welcome, David.

David Goldberg [00:00:48]:

Hi, Susan. Thank you very much for that flat treat. Will always work.

Susan Heaton-Wright [00:00:53]:

So, before we start, for those people who don't know, what is mediation?

David Goldberg [00:00:59]:

Okay, very simple question. So mediation is a process which takes place off the record, where we bring parties together to try and find a commercially workable solution to a problem. So often it is during the course of litigation, sometimes prior to litigation, but once letters of claim and defence and letters of response have been sent out. And the idea is, we understand that there's a problem, one says X, one says Y, and we try to resolve the matter without going to court. So my job, effectively, is to be parachuted into a problem and to try, and very nicely, politely, sometimes not so politely, knock heads together and do a bit of a reality check and say, look, this is what you want. Are you really going to get it to the other side? Is this what you want? Are you really going to get it? How much is it going to cost to go there? How long is it going to take to get there? There are also certain constraints if we're going to do the thing through litigation. So there are evidential rules and witness statements and all the other formalities which need to be done. And the beauty of a mediation is there are no rules.

David Goldberg [00:02:15]:

Parties agree in advance to be bound by confidentiality. And then we start that off and each side understands whatever you say today, whatever you produce today, whatever is said today goes no further. And therefore, be frank, be blunt, be bold, have a go, and let's get this knocked on the head. And majority of the time, it succeeds.

Susan Heaton-Wright [00:02:38]:

Brilliant. And what's the difference between mediation and negotiation?

David Goldberg [00:02:44]:



## SuperStar Communicator Podcast

Well, negotiation, it's a form of the same thing. I think the difference is if you are in a negotiation, it's the parties often talking to themselves, you know, or you may get somebody, you know, management to management. And there are escalation clauses in certain agreements and contracts that, you know, say in the event of dispute, it goes up to a board member to have a discussion with another board member. So you're negotiating, but you've still got a vested interest. The difference between mediation is you've got your two parties with their vested interests and then you've got me sitting in the middle. So I do a lot of reality checking. For example, you know, so I'll say, look, you know you're saying this, but can you really back it up? Do you really want to back it up? You know, how are you going to back it up? What's it going to, how disruptive is it going to be to pull together, you know, 5,000 invoices or whatever it is, and how expensive is that going to be? So that's the difference between negotiation and mediation. You are basically putting your trust into a third party that you don't know whose job is to sit between the two.

David Goldberg [00:03:45]:

Because it's quite astonishing. You'd be amazed at how big the gaps that are between the parties to start, can just be narrowed when people actually applied a bit of common sense. And often in some of the heavy mediations I do, which is sort of shareholder disputes or director dispute kind of things. Both sides also anticipate that they're going to be net winners. So if you like, one side comes up and says, well, I've got a claim of a half million quid because of this. And the other side said, well, I've got a claim of 250,000. I don't owe you anything, but you owe me. So both sides are going to win.

David Goldberg [00:04:21]:

And obviously the situation is, how do we close that gap, narrow the issues and find something which the parties can live with?

Susan Heaton-Wright [00:04:29]:

Yes.

David Goldberg [00:04:30]:

It's not a case of, so I'm not a judge, so it's not a case of one party winning and one party losing. I will often say at the beginning of every mediation, there's no winner, there's no loser. You are both going to share the pain. If nobody comes out of this happy, that's fine, provided you've got closure and you move on. People seem to, if you get in that head space to start with, it's very difficult because it's non adversarial. So, you know, and I can't force anybody to do anything. That's the, that's the beauty. So you've just got to come in with an open mind.

Susan Heaton-Wright [00:05:01]:

I'm intrigued. I always ask this of, of really successful guests like yourself, what made you go into mediation? Because clearly you are a qualified lawyer.

David Goldberg [00:05:14]:



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Yeah. So I, I, I did. I've litigated for roughly 30 years, probably 15. So years ago, mediation became a bit of a buzz thing. The court rules changed just before the end of the 2000s, which basically said the parties now need to be doing more to be proactive because the court backlog is huge, the costs are enormous. Often the costs of pursuing a claim are more than the value of the claim itself, and it's disruptive for businesses all over the place. And even if you win, you don't always get the result you want. And then you've got to appeal, or one side appeals or appeal some of it.

David Goldberg [00:05:51]:

So the court rules changed inasmuch as it imposed on the parties a soft touch application of mediation, or what we call is alternative dispute resolution. So alternative ways of trying to resolve the matter to make it go away. Everybody started doing that in the litigation field. My take on it was the initial mediators that started this off 15 years ago plus would sort of come into a room and say, Susan, what would you like to do? Would you like to settle it? What offer would you like to make them? It didn't really resonate with me. If you've got a commercial dispute, you know, you need to drill down, you need to get a grip with things. So after about four or five years of doing it, I kind of got fed up. And I was going behind the mediator at a mediation, talking to the other side and saying, guys, let's just get rid of this. The mediators, you know, going around in circles, let's just cut to the chase.

David Goldberg [00:06:44]:

And it seemed to resonate. So I thought, go for it. So I became accredited 10, 11 years ago and haven't looked back. It's great. I love it.

Susan Heaton-Wright [00:06:53]:

Oh, that's fantastic. Now, the impression I get, and you might want to dispute this, is that often people will have their stand, and it's based on aggression and other emotions rather than clear thought. So do you. Do you have that magic wand that helps people to calm down and then look at things realistically?

David Goldberg [00:07:19]:

There's no magic wand. But generally speaking, all mediations take a similar theme, a procedure in as much as, you know, the parties will turn up. I would have. So mediation can be operated in one of two ways, really. Either face to face with is, which is ideal because you pick up body language and everything else, or over zoom, where we have breakout rooms. And in all circumstances, I would have an open session to begin with where I will say to people, look, I don't want you to say anything to each other. I just want you to hear what I'm saying. So I hear you all hear it at the same time.

David Goldberg [00:07:54]:

Once. I'm not here to hold your hand. I'm not here to beat you up. I'm here to get a resolution. That's my only job. Okay. So you know, going in, what I'm going to be doing. Okay, so if you're being unrealistic, I'm going to say to you you're being unrealistic.



## SuperStar Communicator Podcast

David Goldberg [00:08:08]:

But I'm going to say that to the other side as well. So both sides hear that message at the very, very get go. That sort of puts them into a slightly different aggressive mode. You will always get the aggressive individuals. I will say, you know, peaks and troughs during the course of the day. You know, everyone's very excited at 9, 9:30 in the morning, by about half past 10, 11 o' clock, you know, the coffee's wearing off, they're thinking, I need another cup of coffee. Let energy levels dip, people become more aggressive, they eat, we come back after lunch, the energy levels are high again and then it peters off into the night as things go on and on. But generally speaking it's a managing expectations thing.

David Goldberg [00:08:46]:

And I think that if you get the flavour from the mediator, be that me or anybody else actually this person knows what they're doing. I trust that they know what they're doing. They, they have told me that the process is going to go along these lines. Blimey, it has done so. Yeah, that's actually quite good. Let's just see what we can do now. You always get the look at the time. I'm leaving at 3, I'm leaving at 3:30, I'm leaving at 4, I'm closing my laptop, I've shut the files, I go into a room and all the files are closed because they're ready to go.

David Goldberg [00:09:19]:

I've seen all these tactics. It's quite interesting once you've done so many they start to be, you know, it's a repetitive tactic and I'll say guys, if you want to go, go. But you know, we are getting closer and I told you, bear with the process, have a bit of patience, et cetera. And often people will, you know, play the game. Yeah, I've only had so by way of stats, I've only had two that didn't work.

Susan Heaton-Wright [00:09:42]:

Oh really?

David Goldberg [00:09:43]:

And I've done, I've done a fair share and there were very good reasons that those didn't work. But hey, you know, that's life, it's a numbers game. But generally speaking, most people, if they've got a dispute, nobody really wants the hassle of the costs and the stress. So you know, once they actually get a room and they realize about midday that actually if they don't get this deal done today, now they're going to be in court in a year's time and nobody really. That's a reality check. So that's a good point.

Susan Heaton-Wright [00:10:16]:

This is a really interesting thing because obviously we're in the United Kingdom, but my understanding is that in the United States, litigation, you know, people will sue people left, right and center. And it seems to be part of the culture. Do you think that people have seen that behavior over in the United States and we'll start that process here. But somebody like you is, is there. Stop, stop, think. Let's see if we can sort this out.

David Goldberg [00:10:51]:



## SuperStar Communicator Podcast

I think the answer. So that's a really interesting question, actually, which is slightly off field, but a very interesting.

Susan Heaton-Wright [00:10:57]:  
Sorry.

David Goldberg [00:10:58]:

I have been litigating, as I say, for about 30 years. Okay, probably over the last five years and certainly after Covid, the attitude has just gone down, that the temperature's gone down. You know, people no longer dress in power suits and you know, people are no longer as super aggressive as they were. The tone of correspondence has become a more amenable lawyers tend to speak more sensibly to each other, bit more courteously to each other. That's my experience. You know, I do, I litigate against, you know, big firms in London, American law firms, you know, smaller firms all over the place where I'm either acting for or defending clients. And I think that the tone and attitude has actually become far more amenable. Everybody still fights their corner, don't get me wrong.

David Goldberg [00:11:52]:

But often there'll be first name terms relatively quickly. David, I've got your email. These are our comments on it. And I think that's a good thing. So I don't know whether generally people are becoming less litigious. I think that those people that are regularly litigious that often go to court, realise that the system is broken. It's going to take them 18 months to get to court. It's going to be horrendously expensive to get to court unless they've got huge amounts of money or a desperate desire to make a point in a court of law.

David Goldberg [00:12:24]:

Most businesses, I think, are far more commercially sensible, and that's the word. It's all commercial. You know, I don't really get involved in any law in the mediation. I'm not a judge, that's not my job. If you want to argue the law, go argue the law at trial, you know, have a three day hearing and go fight. But actually if you just want a commercial resolution and one that a court can't give you often because a court's got to have a winner and a loser. There's no compromise. You know, there's no giving here and taking there and working something out.

David Goldberg [00:12:55]:

And well, actually, if the business is viable and you've got a hiccup, you can continue work, can't you? Let's just keep working. And, you know, we can adjust the balance of the payments or the terms of the payments, or we'll pay a little bit more each time to help you out in your cash flow, whatever it is. So these are things that the court cannot do.

Susan Heaton-Wright [00:13:12]:

Oh, that's really interesting. So how do you build trust quickly? You've touched on this, but I'd like, I'd be very interested to hear more about this. Build trust more quickly with parties who might be very skeptical, cynical, or aggressive.



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David Goldberg [00:13:30]:

So an excellent question. Again, most parties are cynical, Most parties are skeptical, and most parties start off being aggressive. Okay, it's the process, because we are. It's litigation, but it's out the courtroom. So people just get up and ready for a fight. And I think that the answer is, as a mediator, you've got to be quite resilient. And you've got to be able to say to somebody that you can be as aggressive as you want. With me, it's not going to wash.

David Goldberg [00:14:00]:

With me, I just don't care. You know, I've been doing this for years. You know, I've been doing this 10 plus years. My success rate is great. I can prove to you that I can do it. Just bear with the process, be patient. I know it's alien to you. It's my bread and butter stuff.

David Goldberg [00:14:17]:

I know what I'm doing. Just give the process a while. And people will sometimes come around to that quite early. And then when I've got a little bit of confidence in that basis, I will often say, and this is quite a trick. I think many mediators use that in litigation, the first party to blink is often seen to be the weakest because you've given ground. Right. In a mediation, actually, if you are sufficiently confident in your case, make an offer, be the first one to blink. And when I have this conversation with people, and it takes a few rounds, so I'm in and out of rooms all the time.

David Goldberg [00:14:58]:

Susan, it's not just a case of I don't go in for an hour and a half, I'll go in for 10 minutes, come out, go back in the other room for 10 minutes, come out. So, you know, and if people can see that I'm achieving things, you know, so I will get people to say, for example, you know, are you, in the first conversation, are you prepared, Susan, to at least say to the other side to tell me to tell the other side that you are prepared to find some kind of resolution today? I don't know what that means, but are you prepared to be bold enough and say, okay, David, tell them I'm here to find a solution. Fine. I go into the other room and I say, fred, are you prepared to at least say to Susan that you are prepared to consider a resolution? And when you both agree there's a result, isn't it?

Susan Heaton-Wright [00:15:42]:

Absolutely.

David Goldberg [00:15:42]:

Suddenly the pressure decreases because you're both conceding, okay, you're conceding nothing, but you are conceding a principle. And then we can start building on that. So there are lots of tricks, lots of ways to, as you say, build confidence, build trust, you know, and I will take control. And so that's another thing, you know, I'm not. I'm not one to get bullied by the parties, which is good because you need to not be bullied. You need to be in control. And we'll see. You know, that's how the process can work.



## SuperStar Communicator Podcast

David Goldberg [00:16:14]:

Most of the time it does, because most people are sensible in my,

Susan Heaton-Wright [00:16:20]:

you know, you are there as a neutral person between, just between you and me. Have you, have you ever had a situation where you've seen that one side really they've got a point and the others are being naughty?

Susan Heaton-Wright [00:16:39]:

No, but.

David Goldberg [00:16:41]:

Yeah, but there are sense of weaknesses in all cases. Sometimes I've had a couple of things where I don't particularly like one of the parties.

Susan Heaton-Wright [00:16:53]:

Okay.

David Goldberg [00:16:54]:

There have been times where, you know, I will say to one party, you know, but you, you've put this point, you've claimed this pit. But is that right? You know, because my job is not to. My job is to challenge again. I'm not there as a judge, I'm not there as a lawyer. But often when you've got barristers in rooms or you've got lawyers who have drafted complicated legal claims, you know, claims, particulars, defenses, replies, all sorts of documents, and they've got their name on these things, okay, so they've taken ownership and they've said, you know, we're bang to rights on this point. Yeah, we're absolutely bang to right, David. And I'll say, well, are you. I'm not questioning you, I'm not challenging you, I'm just questioning you.

David Goldberg [00:17:33]:

Is that right? Is that right? Or is that a 50, 50 risk? Or actually, is it a 70, 30 risk? You know, so I've kind of been through the mire enough times where, you know, there is no such thing as a slam dunk case.

Susan Heaton-Wright [00:17:48]:

Oh, that's interesting.

David Goldberg [00:17:49]:

So you can, you can always, you know, turn it and flip it and ask different things.

Susan Heaton-Wright [00:17:53]:

Okay. And you, you're clearly very experienced in this. Can you walk us through a memorable mediation that didn't go as expected and what you learned from it? Because every day's a school day, isn't it?



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David Goldberg [00:18:07]:

Every day is a school day. So I can. I had a. A very hotly contested neighbour boundary dispute. I can't go into too much detail for obvious reasons, but two neighbors, one house substantially larger than the other, various issues were in play. Both sides complaining that the other side had done wrong in relation to all sorts of things. So there was harassment claims, there was trespass claims, there was abuse claims, there was racial discrimination claims, a whole bag of, okay, horribly complicated. Both barristers were with me for the mediation.

David Goldberg [00:18:49]:

It had been going on for, I don't know, a year. And basically it was trying to find a resolution to keep these two warring parties, who were literally neighbours, okay, and couldn't even speak to each other, to take the bins out. You know, if I was taking out the bins now, you'd have to wait till I come out and put it back in. Before you came out. It was that kind of. It was. It was incredibly toxic. Okay.

David Goldberg [00:19:19]:

During the course of the conversation, and I was thinking, blimey, how am I going to get this one over the line? And then sort of halfway through the day, we'd gone out drawing lines on the road to see where cars could be, and we discussed whether we could approach other neighbors about things. And we were discussing how we were going to work about parking extra cars elsewhere and dealing with school runs and all the sort of usual stuff. And then one of the parties said, you know, the other problem is we'd very much like to move. So one of the bigger house, the smaller house, that we'd very much like to move, but of course we can't move now because we're in a dispute and no one's going to buy a house. So that was just in a passing observation. I then went into the other house and a passing observation by then, blah, blah, blah. You know, we're looking at, you know, we're looking to buy a house for one of our kids we can't really find anywhere nearby. So we played the Game a little bit longer, it wasn't going anywhere, and short circuit a couple of hours later, the agreement was that one house would just buy the other one.

David Goldberg [00:20:28]:

Now, I wasn't involved thereafter, so I don't know whether it ever happened, but the deal was we would get a valuation from three valuers that would then be put in. That valuation was already agreed. We would then buy it within a certain amount of time, et cetera. So we had structured heads of terms, if you like, or a deal had been structured. And I think the reason that one. Your question is a memorable mediation. That one was excellent because it was one where I couldn't see a way out and one just arose. The other reason, what did I learn from it? Keep your eyes open, keep your ears open and just listen.

David Goldberg [00:21:06]:

And the other beauty of that is that it demonstrates perfectly why mediations work, because there's no way a court could have done that. No, not so. A court would have had to go



## SuperStar Communicator Podcast

through two or three days worth of hearing evidence, cross examination, decide, you know, who was doing what, what, what, and wrong and wrong. What not wrong. Right, wrong and not wrong. Likewise, on the other side, you know, we'd have neighbours coming in, there would be photographs, there was lots of video evidence. And yeah, it would have taken days, but the court couldn't have basically said, you know what, just you buy the house. So that was a really memorable example.

David Goldberg [00:21:42]:

And otherwise, you know, I've done more commercial partnership disputes, which are actually quite nice, where you sort of get people on the hook for personal guarantees on shareholders and loans and various things for large amounts of money, where they're quite satisfying when you get them sorted out. Yeah. But again, it's a case of. Often you'll have. I did one very, very recently, a very contentious one, with lots of money involved with. With three parties, at which point, three parties not talking to each other, each pointing the finger at each other, the other. But then during the course of mediation, two actually realized it was in their best interest to talk to each other and come to an accommodation with the third, which they did. So, again, it's just thinking, looking and experience of dealing with.

David Goldberg [00:22:26]:

How can you think outside the box to achieve what needs to be achieved? And what needs to be achieved is a sensible commercial resolution where no one loses, no one wins and you both share the pain and you move on with life. So that was. That's my mantra.

Susan Heaton-Wright [00:22:41]:

That's brilliant. Now, I don't like talking about politics. However, as we speak, and we're speaking at the end of March, 2026, in case you're listening back later at the time, there is massive geopolitical unrest in, in certain parts of the world. And as we spoke in the Middle east, if you were there to advise on mediating between the main parties, what three things would you advise?

David Goldberg [00:23:20]:

Blimey, just drop it on me. That's a simple one. Just drop it on me. Okay, I guess, I guess that the answer would be the first question is have. And I go, I'm trying to skirt any political thoughts, comments or observations.

Susan Heaton-Wright [00:23:37]:

Exactly. Yes.

David Goldberg [00:23:38]:

I would say the first thing is the sides need to have an exit plan.

Susan Heaton-Wright [00:23:45]:

Yes.



## SuperStar Communicator Podcast

David Goldberg [00:23:47]:

And just continuing with the status quo may not be a good exit plan. So if you've got an exit plan, let's see what that looks like. And then when you've got an exit plan, it's boil it down to as few points as possible, you know, 3, 4, 5, whatever it is, and then let's see whether if each side, both sides on this theoretical example, if there are five areas of common exit plan and you know, two of those are not dissimilar, let's focus on the two of those. Let's deal with the difficult ones. Pick the low hanging fruit. Okay? And if one side says I want X and the other side says I want X, then let's see how you can achieve X. And that's exactly the approach, not in the geopolitical environment, but it's exactly the approach in commercial and or civil litigation. Both sides that there's a battle there.

David Goldberg [00:24:46]:

So I guess my answer would be, you know, let's have a strategy, engage in the process that we are at to try and use those strategies as a way forwards and keep an open mind rather than, you know, drawing lines in the sand either at the beginning, at the middle or at the end because that's when things all fall apart. So that would be, I guess, three takeaways. You know, just have an exit strategy, whatever it is, but you don't have to necessarily know what it is, but you've got to have an idea. You know, what do I want? Do I want this or do I want that? And if the other side want the complete opposite, then you've got a bigger problem. But try and find, you know, what I will often do is try and find where there is some kind of commonality, whatever that means, and then see how you can structure around that. That's the building blocks. From small acorns, oak trees grow. Is that what it is?

Susan Heaton-Wright [00:25:41]:

I think, I think so.

David Goldberg [00:25:43]:

So I'm not going to Resolve the Middle east with you this afternoon?

Susan Heaton-Wright [00:25:46]:

No, but, but at least you're. You're heading towards the Nobel Priest Prize with that, aren't you?

David Goldberg [00:25:53]:

So I, I would, I would love very much to get into. I think the geopolitical stuff would be phenomenal to get into, but maybe, maybe next week.

Susan Heaton-Wright [00:26:02]:

Yeah, probably. I agree with you. But it's interesting discussing this because as I say, neither of us want to go into the politics of this, but stepping back and using the skills that you have as a mediator, rather than negotiating and it being a forceful, aggressive action, it's a positive.

David Goldberg [00:26:29]:



## SuperStar Communicator Podcast

It's be positive. There are very few circumstances where people don't want the same thing. In a partnership dispute, they both want to move away. Or one of them says, I'll buy you out, or one of them says, I'll sell to you, whatever it is. So there's a plan. That's the plan. And then the question is, how are we going to do that?

Susan Heaton-Wright [00:26:50]:  
Yeah, absolutely.

David Goldberg [00:26:51]:  
In a contractual dispute where we're arguing over large amounts of money, there are all these invoices, but, you know, all these invoices. Correct. Are they all for the right amounts? Are they, you know, can we do anything on adjusting invoices? You know, what can we do about credit terms, whatever. In neighbour disputes, actually, one side wants to get out the other. This house example, you know, one wanted a house, one wanted to move, so, you know, keep open minded, you know, but have. You've got to be bold enough to walk into a room and say to somebody, yeah, that's just not going to work, is it? Yeah, if you both want the same thing, if you don't want something different, then you've got to work around, why do you want something different? How are we going to change that view? How is that in your best interest? Surely you'd be better off doing this. And sometimes people just need to hear it from a third party because I've got no extra one.

Susan Heaton-Wright [00:27:42]:  
Sorry. Maybe they need to have permission to think that way.

David Goldberg [00:27:46]:  
100%. That's a very, very good way of describing it. Because obviously if you're normally talking to a lawyer, be that your barrister, your solicitor, whatever, they've obviously got a position, they're a partisan, they're on your side. So actually another opportunity is a mediation, is another opportunity for somebody to actually think, actually, what other options are there? And often it's what you're often thinking yourself. But, you know, your lawyers goad you on and you get caught in that, you know, that, that hamster Wheel of. Keep it going, keep it going, keep it going. And if somebody actually slams the brakes on and says, let's look at this in a slightly different way. Yeah, there we go.

David Goldberg [00:28:22]:  
There we go. Yeah, very good point.

Susan Heaton-Wright [00:28:24]:  
So before we finish, what are your three top tips to share with the audience really, regarding mediation?

David Goldberg [00:28:32]:  
Oh, I think probably the same sort of things that I just said before. Be brave. Go into one of these things, understanding it's out your comfort zone. I know you've not done a mediation



## SuperStar Communicator Podcast

before. You. And if you have done a mediation, it's not going to be the same. So no two mediations are the same. So be brave, go in open minded.

David Goldberg [00:28:54]:

That would be the other thing I would say. Keep an open mind. Don't draw lines in the sand. So don't draw lines in the sand at the beginning or at the middle or at the end. Okay. Just keep a general overview of where you're going and bear with the process because all of this, it's a system that works. There are stats out there by Cedar, which is the center for Dispute Resolution, which is excellent. And I think something about 80% of mediations succeed on the day or shortly thereafter, which in itself is a stat, which is a fantastic one to have because they work.

David Goldberg [00:29:27]:

And if people understand that they work, they are slightly more inclined to use the day. You've got a day, you've got one day to resolve something that's been rumbling on for 18 months and it's going to have another 18 months to go. You're £150,000 in and you're going to cost you another 500,000 to go to trial. It's madness. You haven't got time to be finessing stuff. You get straight to the crux of the matter. And let's say, okay, what do you want? What do you want out of this? And I will say to people often in advance of a mediation in a call a day or two before. Look, Susan, I've read all the papers.

David Goldberg [00:30:01]:

Tell me now, it's three o' clock Friday afternoon, we've got two hours more. What do you want? How do you want to resolve this? I, I have the same conf with Richard on the other side and often they're not a million miles apart. So let's get on and work to that and get on with it. So be brave, be open minded and trust the process. Because the stats and they're not my stats, the stats show that the process

Susan Heaton-Wright [00:30:25]:

works and the stats never lie with something like this. Well, they sometimes lie, but not in this process?

David Goldberg [00:30:35]:

Well, I think that there's lies, damned lies and statistics, I think somebody said. But the mediation stuff, my personal experience of mediating has been exceptionally good. The cases I've mediated as a party to pretty much all have settled for whatever reason. The stats are out there for greater minds than mine that work these things out properly. And there are audits that are undertaken by mediation users and proposals providers. And Cedar is a very good body. You know, they're the overarching. One of the overarching bodies and they've done the, you know, they say it and you know, the cmc, the Civil Mediation Council also produce stats and they all show the same thing.

David Goldberg [00:31:17]:



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So it definitely works. But you've got to have. You got to trust in the process you got the right person for your mediation as well. You know, someone that's just going to get.

Susan Heaton-Wright [00:31:25]:  
That's a good point, isn't it?

David Goldberg [00:31:27]:  
So I've actually done. I'm not sure if I'm allowed to say this. I've done a batch of podcasts already which can be found on usual forums and one of those is picking the right mediator. How to deal with stalemate, how to deal with obnoxious people. Pitfalls in preparation for mediation. There's a sort of sign bites, sound bites on what people can do. So the kind of stuff a bit more niche or honing in on this general conversation, but again, might be an interesting listen.

Susan Heaton-Wright [00:31:57]:  
Oh, that would be really interesting if you could let us know where people can find that. Because I believe this message from this podcast really is that we are saving time and money by mediating, talking to each other, finding what you've got in common so that you can resolve disputes.

David Goldberg [00:32:19]:  
Absolutely, 100%. So the podcast that I do is called Calm the Conflict, the Art of Resolution. So it's Calm the Conflict, the part of resolution, it's on the usual places.

Susan Heaton-Wright [00:32:31]:  
Okay.

David Goldberg [00:32:33]:  
Etc. So that's just one way of doing it. But yes, I think the whole thing is, if anybody's interesting, interested in learning more about it that doesn't know more about it either, feel free to reach out to me or reach out to you and you can put them in contact with me and I can help any way I can.

Susan Heaton-Wright [00:32:49]:  
Fantastic. And you know, you said about reaching out to you, would you they be able to via your. Your firm or LinkedIn.

David Goldberg [00:32:59]:  
Absolutely right. So I've got a profile on LinkedIn, more than welcome to message me on LinkedIn alternatively through the EMW website. Sorry, find it on the website or davidgoldbergmwlaw.com and you can email me there or via you if it's easier. Whatever people want to do. And we can, we can keep in touch. So brilliant. To help if I can.

Susan Heaton-Wright [00:33:21]:



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Excellent. Thank you so much, David.

David Goldberg [00:33:23]:  
Thank you.

Susan Heaton-Wright [00:33:23]:  
Thank you. Fascinating. And I'm sure that the audience will find this really interesting.

David Goldberg [00:33:30]:  
Brilliant. I hope so.

Susan Heaton-Wright [00:33:32]:  
Thank you so much.

David Goldberg [00:33:34]:  
Thanks very much indeed.

Susan Heaton-Wright [00:33:35]:  
And this is Susan Heaton Wright from Superstar Communicator podcast. Until next time, keep safe, keep well.

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