

Negotiate Before You Mediate



Jack Griffeth, Attorney
Direct Line: 864.282.9104
jgriffeth@collinsandlacy.com

Practice Areas:

- Insurance Coverage
- Higher Education Law
- Employment Law

Visit Jack's personal blog, Jack Griffeth: A Man with a Stamp on Life & Law.

In the 35 years I've been practicing law, mediation has dramatically changed the number of critical cases tried to a jury conclusion. In South Carolina, mediation has become almost a center point of trial practice. In my home town of Greenville, in the 1990s we would try more than 100 civil cases a year in Greenville County alone. In 2010 we tried 40 cases; in 2011 we tried 28 cases. As a mediator, I routinely do at least three mediations each week and have been certified as a mediator for the past 14 years. We are beginning to see mediations required in almost every county in South Carolina by operation of Supreme Court Rule or the provision which allows mediation to take place in any county for any case where a circuit judge deems it proper to mediate before placing the case on the trial roster.

One trend I see, however, is sometimes the parties are waiting until mediation to even begin to negotiate. That is not a bad strategy, but I encourage people to negotiate as early as sufficient discovery would allow. I believe that makes for a more useful and productive mediation when the parties have at least talked before hand. Prior to the advent of mediation, we would negotiate often in an effort to get cases settled. My law partner, Joel Collins, advised a group of young lawyers at our annual South Carolina Bar convention several months ago to continue that practice and to not wait until mediation to begin the negotiation process. I encourage all trial practitioners and insurance defense lawyers to actively seek to try to engage plaintiff's counsel in negotiation prior to mediation.

About Jack Griffeth

Jack Griffeth is a shareholder at Collins & Lacy, P.C. His 35-year practice of law has focused on defense trial work, representing employers in employment related litigation and mediation. Jack serves as General Counsel to Wofford College, Furman University and Spartanburg Methodist college. Jack is a summa cum laude graduate of Wofford College where he earned his degree in Liberal Arts. He received his Juris Doctor from Duke University. In 1976, Duke University created the Charles Murphy Award for Jack, in recognition of his unique collegial contributions to the Duke Law School community. He's also the 2008 recipient of the Greenville Bar's most prestigious honor, the Tommy Thomason Award.

Jack is the Past President of the Greenville Bar Association, President-Elect for the S.C. Bar Foundation Board of Directors and a member of the House of Delegates for the 13th Judicial Circuit. He is a past member of the South Carolina Bar's nominations committee and past-president of the Bar's Alternative Dispute Resolution Council. Jack is a certified mediator by the South Carolina Bar and speaks frequently on the subject.

He is considered one of South Carolina's pre-eminent attorneys by Martindale-Hubbell and has been named by his peers a Best Lawyer in America, the oldest and most respected peer-review publication in the legal profession.