

Insights from Teaching

After an enjoyable three years of teaching at the University of Akron School of Law, I am turning my full attention to my mediation and ADR practice. My time at the law school allowed me to study and teach about dispute resolution while continuing my mediation practice part-time. It gave me the time to think deeply about the process of dispute resolution and the best use of mediation.

What kind of mediator am I? That depends. If the dispute is only about money (e.g. a litigated case with no ongoing relationship between the parties), an evaluative style may be appropriate. If the dispute results from a past or ongoing relationship between the parties (e.g. a business break-up or an employment dispute), a facilitative approach might be more appropriate. The bottom line: I am the kind of mediator that best serves your dispute. I will communicate with you before a mediation conference to learn about your dispute and to figure out how I can be most helpful.

When is mediation appropriate? The short answer is: always! It's a mistake to think of mediation as merely a step in the litigation process to be used before trial and after all of the emotional and financial expense has been incurred. Think about involving a mediator as soon as your client becomes involved in a dispute. Many disputes can be resolved at this stage, before the parties harden their positions and start litigation. Even if the dispute isn't settled at this early stage, the negotiation process can be started and, in many cases, made simpler.

Finally, don't think of mediation as simply a settlement conference in which the mediator carries messages back and forth. Think of mediation as a process that should be tailored to the specifics of your case. The reasons for getting a mediator involved are many and varied:

- Do you and your counterpart need help communicating with each other?
- Do you need help evaluating your case? Or does your counterpart need help evaluating his/her case?
- Do you need help communicating with your own client?
- Do the parties need to explore their respective interests and ways to address those interests in a win/win resolution?
- Do you need help devising your own negotiating strategy, i.e. making demands and offers that effectively communicate with your counterpart?
- Do you need to obtain information from the other side in order to find the best way to resolve the matter?
- Does your client need to overcome emotional barriers that make meaningful negotiation impossible?

The right mediation process for your dispute depends on the answers to these questions. If you hire me to mediate a dispute, I will work with you to learn about your dispute and to determine the type of mediation that will best meet your needs. Give me a call or send an email if I can be of assistance.