



ADR STRATEGIES

JOAN B. KESSLER, JD, PHD



You are receiving this communication as a result of your interest in alternative dispute resolution.

The recent Casey Anthony jury verdict validated my position about how unpredictable jury results are and affirmed my commitment to the benefits of resolving disputes through mediation:

- Going to a jury can be as uncertain as gambling in Las Vegas.
- Jurors are swayed by matters other than facts. There may have been a non-verbal benefit for the defense if the jurors perceived Casey Anthony and/or her attorney as being physically attractive.
- The defense used Inoculation Theory, which is when you know the other side will offer negative evidence and you “inoculate” them by getting it out there first. Discussion of Ms. Anthony’s controversial behavior in defendant’s opening argument is an example.
- Media and cameras in the courtroom may also have impacted the jury.

Even though this was a criminal case and the standard was “beyond reasonable doubt,” some of the same unpredictability of juries is present in civil juries. Therefore, to avoid uncertain results, mediate and settle civil cases!

Many years ago I received a Ph.D. from the University of Michigan in Communications. Before I went to law school I taught interpersonal relations, group interaction, conflict resolution, intercultural communication courses and served as a jury consultant. I apply the communication issues and solutions I taught, coupled with 25 years of legal practice experience to my alternative dispute resolution practice. Recently I was honored to be invited to participate as a civilian at the U.S. Army War College National Security Seminar.

THINK ABOUT THIS PRIOR TO YOUR NEXT MEDIATION/ARBITRATION

To set up a mediation or arbitration, please call my Case Manager Ashley Roesler at (310) 201-0010 or email her at ashley@adrservices.org. To contact me via email use jkessler@adrservices.org or call me on my direct line: (310) 552-9800.

Please visit my website: www.joanbkessler.com

To change your address or remove your name from my list call me at (310) 552-9800 or just send me an email to jkessler@adrservices.org.

© 2011 Joan B. Kessler. All rights reserved.