



ADR STRATEGIES

JOAN B. KESSLER, JD, PHD



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

This month a major, much anticipated decision, *Brinker*, came down from the California Supreme Court. While both plaintiff and defense counsel claim victory, my position is that I will still have pressure points to address in Employment mediations:

Defense:

- Employers must still keep good records to defend themselves.
- Employers must still show relinquishment of control and reasonable chance for employees to take meal breaks and not impede taking such breaks.

Plaintiff:

- Even though class certification is a viable issue, plaintiffs must beware of the unknown.
- Trial court judges have discretion which makes the outcome uncertain.

There are still grey areas and much is still fair game in mediations. My background in doing jury research, watching many mock juries deliberate, preparing witnesses to present well to a jury and assessing the elements that impact a jury, all assist me in my mediation practice. After receiving my PhD and before I went to law school I taught interpersonal relations, group interaction, conflict resolution, and intercultural communication courses in colleges and at a law school. I apply the communication issues and solutions I taught, my understanding of how some issues affect juries, coupled with 25 years of legal practice experience to my alternative dispute resolution practice.

THINK ABOUT THIS PRIOR TO YOUR NEXT MEDIATION/ARBITRATION

Please contact me to discuss your next mediation. You may call me on my direct line: (310) 552-9800 or e-mail me on my personal e-mail: jkessler@adrservices.org.

To schedule a mediation or arbitration please call my case manager Eve Thorstens at (310) 201-0010 at ADR Services, Inc. If the date you desire is not available please call me on my direct dial number (310) 552-9800 and **WE WILL MAKE IT HAPPEN.**

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.

© 2012 Joan B. Kessler. All rights reserved.