



## ADR STRATEGIES

### JOAN B. KESSLER, JD, PHD



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

In my experience there are various considerations about the best time for a mediation to take place:

- **Before litigation is filed** – Some contracts require mediation prior to commencing an arbitration or filing of a court action. The parties must have authority, including insurance company authority, where relevant, to settle in order for this early mediation to be successful.
- **Before incurring expensive costs of discovery, including engaging experts** – A key issue is: When is enough discovery completed to make a mediation viable?
- **The eve of a summary judgment motion hearing** – Critical discovery has most likely occurred and the motion outcome may be uncertain. This is a good window of opportunity to mediate.
- **The eve of trial** – The parties at this point may be ready to “give it up” and settle. When is it too late to mediate? NEVER.

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 over 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](mailto: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](http://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](mailto:jkessler@adrservices.org).

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