



ADR STRATEGIES

JOAN B. KESSLER, JD, PHD

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

At this time of Thanksgiving, I am thankful for all of you who have made this a great year for me.

I am reminded that many times in a mediation, the litigants on either side say to me, "It's not fair!" They are reacting to the reality of settlement positions as not what they really wished would happen. My response is:

- You are correct, settlement is not necessarily about fairness, although that is always a goal.
- Settlement is about assessing risks of pursuing the matter or defending the matter: personal risks and/or business risks.
- Settlement is about finality, which may mean paying more or accepting less than one had wished, which may not seem fair.
- Settlement is about putting the dispute behind and moving forward.
- In many cases the alleged wrongs cannot be fully compensated and settlement becomes about balancing the realities, risks and making it FINAL while not necessarily FAIR.

40 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@kesslerandkessler.com.

To schedule a mediation or arbitration with me at ADR Services Inc., 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**. Ms. Kessler is, also, available on the USDC Panel and through the American Arbitration Association. Ms. Kessler is pleased to announce that she has been named to the Executive Board of the BHBA Business Section and to the Board of Governors of Loyola Law School.

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@kesslerandkessler.com.

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