



ADR STRATEGIES

JOAN B. KESSLER, JD, PHD



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

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 my 20 years of legal practice experience to my alternative dispute resolution practice.

THINK ABOUT THIS PRIOR TO YOUR NEXT MEDIATION/ARBITRATION

To set up a mediation or arbitration, please call my Case Manager Audra Shackelford at (310) 201-0010 or email her at audra@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.

© 2010 Joan B. Kessler. All rights reserved.