



## ADR STRATEGIES

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

Sometimes in mediations, especially in a very emotional case, litigants say they want to teach the other side a lesson and be vindicated. Litigants sometimes even say, "I don't care what it costs to prove my point." In this new world, that position is rethought on a regular basis. Yet, the litigants and sometimes counsel ask, "Why compromise?" Many times it becomes a cost benefit analysis/ business decision:

- Cost of experts/ Jury fees/ Attorney fees/ Cost of appeal.
- Witness deposition costs: Reporter/ Deposition preparation.
- Being deterred from work/ Risk of losing case/ Emotional toll.
- One of plaintiffs' additional risks: defendants may have no assets, even if plaintiffs wins.
- One of defendants' additional risks: plaintiffs may make adverse law in California against an industry or profession.

So as you consider "Why compromise?" think about these issues.

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](mailto:audra@adrservices.org). To contact me via email use [jkessler@adrservices.org](mailto:jkessler@adrservices.org) or call me on my direct line: (310) 552-9800.

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