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Firm Formalizes ADR Practice Group

Litigation is time consuming, distracting, difficult, and costly for plaintiffs and defendants alike. For these reasons, techniques for alternative dispute resolution (ADR) have steadily gained acceptance and popularity. In fact, the United States District Court for the Western District of Pennsylvania implemented mandatory ADR to resolve disputes quickly, efficiently, privately, and without the costs associated with litigation in court. A test pilot program was begun in June 2006 and adopted district-wide in January 2008. For every case filed (with some exceptions) in the Western District, the parties are required to conduct a “meet and confer” conference pursuant to Local Rule 26(f). Choice of an ADR process is an additional item of discussion. Arbitration and mediation are two of the most widely accepted ADR techniques and Rothman Gordon has formalized its ADR practice group in response to the anticipated need for experienced professionals in Western Pennsylvania.

Louis Kushner has already mediated over 300 cases and has seen first hand the benefits of ADR. Mr. Kushner says, “Litigation is time consuming, distracting, difficult, and costly for plaintiffs and defendants alike, so it’s my goal to help the parties reach a settlement and avoid the litigation.”

“Arbitration and mediation are two of the most widely accepted ADR techniques and we see the formalization of this practice group as a way to fill a need in our community,” says Stephen Jordan, who has been an arbitrator and mediator since 2004 in response to the increased need for ADR.

Both arbitration and mediation are voluntary in that neither can occur without the agreement of all the parties to the dispute. Both are private, a significant advantage when parties do not want to air their dirty laundry in public. Both can occur relatively quickly after the dispute arises, and both can be accomplished for a fraction of the cost of court litigation. Beyond these similarities, however, arbitration is markedly different from mediation. When parties to a dispute select arbitration, a person or panel of three acts as arbitrator(s) to investigate the facts, analyze the dispute, and render a decision on the matter. The parties agree to accept the decision of the arbitrator as final and binding and will be enforced by the courts. In an arbitration, the arbitrator presides over a hearing in which witnesses testify and documents are considered, much like court litigation. Discovery and pre-hearing procedures are typically limited and abbreviated to accelerate the process and keep costs down. By agreement, the parties can institute other cost-saving measures such as eliminating transcripts and briefs. The time periods and the intensity of arbitration will depend on the parties and the arbitrator.

Appeals from arbitration decisions are only available on very limited grounds and are rarely successful. Although arbitration is more formal and expensive than mediation, it is still less expensive and more expeditious than litigation.

In a typical mediation, the disputing parties voluntarily submit their dispute to an impartial third party (mediator) to assist them in reaching a mutually agreeable negotiated settlement. First, both parties present their legal positions to each other and the mediator. The parties are then separated by the mediator who probes each party’s position privately in an effort to guide each party to a realistic assessment of his or her position.

A mediator’s primary purpose is to facilitate a settlement. The mediator identifies the issues, explores a possible basis for agreement, points out the consequences
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of not settling, and encourages each party to accommodate the interests of the other party. Mediators cannot impose a settlement on the parties. They merely suggest ways the parties can settle their differences.

One great advantage of mediation lies in the ability of parties, with the assistance of the mediator, to devise creative solutions to their dispute outside the traditional remedies that a court or arbitrator could award. Another advantage is mediation's non-binding nature; if mediation fails, the parties are normally no worse off than before and can proceed to litigate their dispute or (if they agree) arbitrate it.

For more information, please visit www.rothmangordon.com and choose ADR under practice areas.

In the News....



Estates, Trusts & Taxation Gains a New Attorney

Lisa M. Gaiser has joined Rothman Gordon as an associate in the Estates, Trusts & Taxation Department. Prior to joining the firm, Lisa was employed in Deloitte's Private Client Advisor Group.

Lisa received her B.S.B.A. in 2003, her Masters in Taxation in 2005, and her J.D. in 2006, all from Duquesne University. She is a member of the Allegheny County Bar Association, the Pennsylvania Bar

Association, the American Bar Association, and the Estate Planning Council. Lisa resides in Cranberry Township with her husband, Chad.

Eleven Rothman Gordon attorneys named to 2008 Best Lawyers In America

Eleven Rothman Gordon attorneys have been selected by their peers to be included in the 2008 edition of *The Best Lawyers in America*. They include: Sam Douglass and Tom Solomich for Real Estate; Shelley Elovitz and John Zatkos for Workers' Compensation Law; Casey Neuman, Jim Ummer and Doug DeNardo for Trusts and Estates; and Steve Jordan, Alan Blanco, Jim Carroll, and Louis Kushner for Labor & Employment Law. Louis was also listed for Alternate Dispute Resolution.

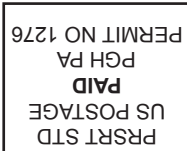
Inclusion in *Best Lawyers* is based on an exhaustive peer-review survey that has been developed and refined for 25 years. The current edition of *Best Lawyers* is based on 2 million confidential evaluations by the top attorneys in the country. There is no fee or purchase requirement to be listed.

Colleen Ramage Johnston Appointed to ATLAC Board of Governors



Colleen Ramage Johnston has been appointed to the Board of Governors of the Academy of Trial Lawyers of Allegheny County for a two year term. Colleen is a Partner in the Employment Litigation Department of the firm.

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