

Inside:
Trial Style

Summer 2005 • Volume 11, Issue 3

NEWS

for smaller firms

ANNUAL MEETING SPECIAL ISSUE

ADR *Focus*

GOING GLOBAL



Zela G. Claiborne



Jeffrey Krivis



Neal Blacker



Hon. John Zebrowski

Plus!



GIVING SPIRIT

Anne C. Adams donates her expertise to serve the legal profession

page 8

Trial Style:
Cotkin, Collins & Ginsburg's Roger W. Simpson wraps up 20 years of trial in *Stringfellow* case





Local neutrals join large-scale international dispute resolution consortium.

By Staff Reports

Effectively managing conflict is a full-time job for most California neutrals. And in the past they worked either in the state or perhaps the West. But now several California neutrals have been selected for panels with New York City-based International Institute for Conflict Prevention & Resolution, a membership-based, nonprofit alliance of global corporations, law firms, scholars, and public institutions dedicated to the principles of conflict prevention and resolution through ADR.

Panelists are now eligible for local, national and international work through the Institute, which caters to business with global operations. Neal Blacker, former Chief Executive Officer of the Los Angeles County Bar Association Dispute Resolution Services program from 1994 through 2004, is now with the Institute, serving as Senior Vice President of Dispute Resolution Services. His focus is on the Institute's leadership role in educating businesses about the organization's resources to help companies effectively deal with conflict, he says.

"I have watched corporations spend billions of dollars annually litigating cases that could be resolved through mediation or arbitration more quickly and less expensively," Blacker says.

"ADR is one of the most powerful tools available to businesses today."

Local practitioners are already sophisticated consumers of ADR services, according to Institute panelist Zela Claiborne.

"California lawyers are leaders in developing ADR techniques," Berkeley-based Claiborne says. "Now, with increasing numbers of companies going global, California lawyers are routinely using ADR internationally."

ADR experts point to example Georgia-Pacific Corp. According to industry sources, this international company saved \$3.41 million in 2004 by implementing ADR programs through the Institute.

Institute panel mainstay Jeff Krivis sees the value in globalizing ADR services.

"For local mediators to succeed on the world stage, it is critical that we begin to collaborate with each other and our colleagues in other countries," Krivis, who is based in Encino, says. "We need to do this to understand their cultures and philosophies, and to study the social psychology of a new world order."

Institute panelist Justice John Zebrowski (Ret.), who will

Hon. John Zebrowski



Neutral,
ADR Services/
Appellate Justice
(ret.)
Los Angeles

grams, which include ADR commitments from many of the most significant companies in the United States.

“With sophisticated business clients already committed to ADR, the mediation process can become more meaningful, more creative, more personalized and more satisfying to users of ADR,” Zebrowski says.

“Clients are always looking for greater certainty and reduced risk, and getting them comfortable with ADR, especially mediation, goes a long way toward establishing the confidence necessary to meet these objectives.” Zebrowski, who is based in Los Angeles, says.

But beware the larger context, Krivis warns. It’s really results that count. And consumers are demanding more and more, he says.

“The mediation marketplace is going through a correction period,” he says.

“Purchasers of our services have become much more sophisticated and will not stand for people who are not creative and unable to make deals happen. Too much is at stake.”



Jeffrey Krivis
Neutral
Principal, First
Mediation
Corporation
Encino

Zebrowski says that neutrals who can creatively take control of the resolution process will be in the greatest demand as the market advances and matures.

“Mediators who can be creative when needed will be the most successful in meeting the parties’ needs in difficult situations,” he says. “Neutrals who are flexible in the resolution process, both procedurally and substantively, connect best with the parties’ needs.”

Many ADR insiders say that neutrals are, foremost, educators. They are tasked with educating both client and counsel regarding the realities of the dispute. And the role of the Institute as an educator of the marketplace is changing, some say.

“As users of ADR become more experienced and more comfortable with the integrity of the process, and its utility in a business context, the power and capability of the process will continue to grow,” Zebrowski says. “The Institute provides a conduit to connect challenging situations with Institute-

continue to operate out of California-based ADR Services, while also handling cases assigned by New York-based CPR, sees a definite benefit to clients through implementation of the Institute’s pro-

organized education and panels of experienced neutrals, and that should help satisfy a growing demand.”

Connecting those dots is what the Institute does best, according to Blacker. He says his organization is dedicated to moving the ADR field forward, with sophisticated programming and global reach to meet the demands of the marketplace.

Claiborne agrees, noting the need for the Institute’s guidance.

“As overall globalization increases, more companies are using mediation and conciliation for dispute resolution,” she says. “I see this trend in my practice almost daily.”

Zebrowski says that the key to bet-the-company dispute resolution is buy-in to the process from all participants. It’s the neutral’s job to

tailor a persuasive presentation for every decision maker to secure that commitment, he says. This means not sidelining the squeaky wheel, according to Zebrowski, no matter how tempting that might appear at any given moment.

Zebrowski says that the key to resolution of a serious dispute often is to achieve participation from all parties.

“The neutral has to work to achieve that participation, and this may mean working with recalcitrant or obstructionist parties to identify their needs and motivations, and then either modify them by reason and persuasion or integrate them into an overall settlement.”

According to Zebrowski, causing one participant, sometimes even a smaller one, to feel excluded can create obstacles to a global settlement. And some situations are not conducive to piecemeal settlements, he notes.

“Unless there is a global settlement, sometimes there is no settlement at all,” he says.

Blacker says that these types of approaches are why Krivis, Claiborne and Zebrowski are among the Institute’s most



Neal Blacker
Senior Vice
President of Dispute
Resolution Services
International
Institute for Conflict
Prevention &
Resolution
New York

sought-after neutrals. And he says he’s looking forward to offering the services of these and other talented ADR professionals for the resolution of significant business and public disputes.

For more information about the International Institute for Conflict Prevention & Resolution, call (212) 949-6490 or visit www.CPRADR.org.

Zela G. Claiborne

Mediator and
Arbitrator
Principal, Zela G.
Claiborne Mediation
San Francisco

