

Mediation for CEOs



Authored By Jonathan Honig, Attorney at Feder Kaszovitz, LLP. The big change in ADR that is ongoing is the inclusion of outset mediation clauses in commercial contracts. Traditionally, contracts focused on three principal dispute resolution issues. First, they provided for court resolution or arbitration of disputes. Second, they provided for an applicable law. Third, they provided for a place for conflict resolution with either exclusive jurisdiction in the courts of one state or an arbitration forum in one defined place. There were secondary issues such as jury waiver but they did not substantially affect the architecture of dispute resolution. Mediation was not on the radar screen. Accordingly, a change from this paradigm to the paradigm of mediate first, litigate last is revolutionary. It is on the order of the difference between shoot first, ask questions later versus asking questions first and shooting later in a military setting. In both cases there are substantial advantages from the paradigm shift, but potential costs as well. The only general exception to this rule of provision for binding dispute resolution but no provision for mediation was in the government contracting area and in certain construction and insurance contracts, which often provided for mandatory outset mediation. The impetus for this change is four-fold. First, dispute resolution is expensive. Second, the costs of dispute resolution often grow dramatically over time such that matters that could be resolved relatively inexpensively earlier on end up being settled later at a far higher price, often as much as ten-fold. Third, there is a competitiveness issue and increased dispute resolution costs are inconsistent with the lean and mean and cost control focus of commercial entities. Indeed, in numerous circumstances legal expense substantially affects reported profit of public companies. Fourth, there are often reputational impacts of litigation that

counsel in favor of early resolution. As more decision makers have come to appreciate the substantial costs of litigation and the potential for more economical resolution of disputes through early settlement talks and/or mediation, there has been a move to incorporate mandatory upfront mediation (outset mediation) into the process. This has led to a corresponding addition to the conflict resolution clauses in commercial contracts. Traditionally, lawyers if they look to mediate at all have looked to mediate mid or late stage in litigation often after discovery, after motions have been brought or just before trial. My experience is that there are a number of circumstances in which early mediation, outset mediation, can be productive and have taken steps to encourage this evolution in dispute resolution. Below, ten matters relating to outset mediation are discussed. The first two items relate to whether outset mediation is appropriate. The third and fourth items relate to the strategic approach to outset mediation. The balance of the items relates to the negotiation and operational aspects of outset mediation clauses.

[\[PDF\] Omegas Embrace: M/M Gay Shifter Mpreg Romance \(Anima Sanator Book 2\)](#)

[\[PDF\] Fables of Aesop and Other Eminent Mythologists: With Morals and Reflections](#)

[\[PDF\] Mastering Cloud Penetration Testing](#)

[\[PDF\] Regency Sluts Two: Watching the Chambermaid \(Historical Erotica\)](#)

[\[PDF\] Playful Pets For Kids \(Caring For Pets\): Pet Care Tips for Children](#)

[\[PDF\] Die Modernisierung des chinesischen ehelichen Guterrechts: seit den Reformen der Späten Qing-Zeit \(German Edition\)](#)

[\[PDF\] Blackgentlemen.com](#)

3 Ways Mediation Can Improve Business Partnership Relations 53 6-32 Doubts as to whether the absent CEO will actually give his consent to the solutions agreed upon in the mediation constitutes a considerable burden and **Chris Poole JAMS President and Chief Executive Officer** Feb 27, 2014 CEO Ethical Leadership and Corporate Social Responsibility: A Moderated Mediation Model. Authors Authors and affiliations. Long-Zeng Wu **Apple, Samsung CEOs agree to mediation in US patent fight - Reuters** Jan 9, 2014 The chief executives of Apple and Samsung have agreed to attend a mediation session next month, where they will go over the details of their **Apple, Samsung CEOs agree to mediation in court dispute** Jan 9, 2014 Apple Inc and Samsung Electronics have agreed to attend a mediation session to be held on or before February 19, as they prepare to clash in **Certified Mediation & Negotiation Training & Services, Mediation, INC.** We expressed doubt that market mediation was sufficient based on the evidence of continuing labor-market discrimination uncovered in sociological studies **No resolution between Apple and Samsung CEOs at pre-trial** 5 days ago In this Virtual Mediation Lab interview Pranjali Sinha, Co-Founder and CEO

of , explains how his company promotes mediation **Promoting mediation in India Virtual Mediation Lab** Jan 9, 2014 The CEOs of Apple and Samsung Electronics will participate in mediation ahead of a March trial in a patent dispute in a federal court in **This Banking CEO Swears By Mediation - Fortune** Dec 14, 2015 Its no surprise, then, that the popularity of meditation one way to practice mindfulness is also growing among CEOs and senior executives. **CEO Arbitration : Arbitration & Mediation** Jan 9, 2014 The CEOs of Apple and Samsung Electronics will participate in mediation ahead of a March trial in a patent dispute in a federal court in **Apple, Samsung CEOs agree to mediation in US patent -** May 2, 2017 Barry Sommers, CEO of wealth management at J.P. Morgan Chase, explains why he meditates at Fortunes Brainstorm Health conference. Jan 8, 2014 The chief executives of Apple and Samsung have agreed to meet with a mediator to try to resolve some of the companies ongoing patent **CEO Ethical Leadership and Corporate Social - Springer Link** Welcome to Community Counseling & Mediations website! When I founded Community Counseling & Mediation (CCM) in 1982, my goal was to bring together a **Apple, Samsung CEOs set for court talks Reuters** May 20, 2012 Still, a CEO mediation session may only go so far. Last year, Oracles Larry Ellison and Googles Larry Page undertook mediation in their **Private Dispute Settlement: Negotiation, Mediation, Arbitration: - Google Books Result** THE RESOURCEFUL CEO Increase Value About Mediation helps business partnerships continue despite serious disagreements. Fortunately, mediation can be used to strengthen partnership relationships in the ways listed below. **CEO Ethical Leadership and Corporate Social - ResearchGate** Jan 9, 2014 The CEOs of Apple and Samsung Electronics will participate in mediation ahead of a March trial in a patent dispute in a federal court in **Apple, Samsung CEOs agree to mediation in court dispute Network** Jun 6, 2016 The C-suite, the Board, senior management call it what you will, those at the top of an organisation are as prone to conflict as the rest of us. **The CEO Contract: A Guide for Presidents and Boards - Google Books Result** May 2, 2017 Barry Sommers, CEO of wealth management at J.P. Morgan Chase, explains why he meditates at Fortunes Brainstorm Health conference. **Apple, Samsung CEOs Agree to Mediation in Court Dispute CIO** Jan 8, 2014 Apple and Samsung have agreed to attend a mediation session as they prepare to clash in court in March over smartphone patents. **Trouble at the Top: Why CEOs Dont Use Mediation -** Information on Arbitration and Mediation plus some Useful Links. **Apple, Samsung CEOs agree to mediation in US patent -** Early mediation usually makes a lot more sense than resorting to lawsuits. CEO Adviser: Conflict Avoidance. BY: Selden Prentice. FROM THE PRINT **Apple and Samsung CEOs to attend mediation on patent wars** Download paper (PDF): CEO Ethical Leadership and Corporate Social Responsibility: A Moderated Mediation Model on ResearchGate. **Trouble at the Top: Why CEOs Dont Use Mediation -** Jan 8, 2014 Apple and Samsung have agreed to attend a mediation session as they prepare to clash in court in March over smartphone patents. **How Meditation Benefits CEOs - Harvard Business Review** Jan 9, 2014 The CEOs of Apple and Samsung Electronics will participate in mediation ahead of a March trial in a patent dispute in a federal court in **This Banking CEO Swears By Meditation - Fortune** 9. Mediation. and. Arbitration. IN THIS CHAPTER, INFORMATION IS given that will help CEOs seek wider latitude in introducing features in their employment **The New CEOs: Women, African American, Latino, and Asian American - Google Books Result** Specializing in providing 40-hour Superior Court Mediation Training, 40-hour They have been lawyers, doctors, insurance claims representatives, CEOs of **A Letter from Emory X. Brooks, President & CEO CCM NYC** Jun 6, 2016 The C-suite, the Board, senior management call it what you will, those at the top of an organisation are as prone to conflict as the rest of us.