

Lawyers Turn to Mediation for Resolution

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Once upon a time there was a lawyer with a personal problem. Actually, there were two lawyers who had been wrongfully terminated from their positions within their firms. One claimed to have been sexually harassed by a partner in the firm for whom she worked, and one was terminated within two weeks of announcing her pregnancy.

Most people think of lawyers as having the answers and solving problems, not as the participants in them. In reality, they can have the same problems and disputes in the workplace that other employees have, be it a hostile work environment (yes, litigators can be hostile!) or quid pro quo requests from supervising managers.

I am often asked what lawyers think of mediation. People think that because the mediation process might cut into their fees, that lawyers would be opposed to mediation as a viable, respected form of dispute resolution. Actually, mediators often serve as a tool for lawyers. They bring their valued clients' cases to mediation and resolve their own personal disputes using a more efficient and cost effective means than litigating or arbitrating.

Both of the above cases recently came through our office for mediation. One case was filed with the Superior Court and was referred to mediation by the judge who would not hear the case until the parties tried mediating it first. The other had drafted a complaint to be filed in Superior Court in the event that voluntary mediation did not resolve the problem satisfactorily.

In another case we were called in on what was a dissolution of a partnership--a law firm partnership. A Beverly Hills law firm called us to mediate a dissolution negotiation that had hit some sticking points. Again, they recognized that the use of a neutral, informed third party was the best way for them to resolve their dispute without spending a lot of time and money fighting it out in court.

As far as their clients go, most people would be surprised to know that barring divorce and child custody cases, about half of the cases we mediate are brought to us by the lawyer representing one of the parties involved. When a case can be resolved in mediation, it is less expensive and faster for everyone. Smart lawyers know that business people recognize an attorney who puts their clients' best interests first.

The jury is in! When lawyers have a dispute, they often turn to mediation for a resolution. For their clients, they often use mediation as a method of speedy, efficient dispute resolution, which can help them assist their clients most effectively. We work together to resolve your problems, not in competition.

Lee Jay Berman is the President of THE MEDIATION ALLIANCE, INC., a full-service mediation firm dedicated to utilizing the talents of field-specific, professionally certified mediators. Mr. Berman and his firm also teach mediation skills and consult to businesses teaching conflict resolution skills in the workplace. Contact Mr. Berman at (213) 383-0438.