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Using Mediation to Resolve Business Disputes

By Agnes I. Rymer, Partner, Saiber LLC

Disputes are an inevitable part of doing business. The prospect of a lawsuit for either party is daunting in the best economic environments, but in the current climate, it is particularly challenging. In this column, Ms. Rymer discusses how mediation can be used to resolve business disputes quickly and inexpensively. For further information, please visit www.saiber.com.

Q. What is mediation?

A. Mediation is a process for resolving disputes. Through mediation, a neutral party (the mediator) facilitates discussion between the disputing parties to seek an amicable resolution.

Q. How does mediation compare with litigation?

A. Mediation is an informal process that assists the parties in resolving disputes by agreement. A mediator has no authority to decide the dispute. Litigation is a formal process. If the parties do not make a settlement, a judge or jury will ultimately decide the dispute. Generally, mediation is far less expensive and time-consuming than litigation.

Q. Are mediation and litigation ever used together?

A. Often. Courts use mediation as a way to end litigation. In New Jersey state courts, most civil cases are referred to mediation with a trained mediator soon after the case begins. The parties are required to participate in good faith for one hour of mediation, and the trained mediators are required to provide that time free of charge. If a case does not resolve early on, mediation may be attempted again at the end of the case, after the parties have exchanged information through "discovery."

Q. Is mediation useful to resolve business disputes?

A. Absolutely. Mediation of business disputes is most effective if business persons attend – not just lawyers. Persons running businesses are particularly well-equipped to find solutions to problems that save time and lawyers' fees that would otherwise be spent on litigation.

Q. Do mediators have to be lawyers?

A. No, but it is helpful to have a lawyer as a mediator if a legal dispute is involved. A lawyer's familiarity with the law and the litigation process assists the parties in evaluating the likely cost and outcome of their dispute if they do not resolve it amicably.

Q. How can I find a trained mediator?

A. Many law firms, including Saiber LLC, offer mediation services as part of alternate dispute resolution practices. The New Jersey judiciary website (<http://www.judiciary.state.nj.us/>) contains a list of mediators, by county, who are eligible to mediate state court cases.

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Member NEWS

Caryl Communications, a public relations and marketing agency handling press releases, newsletters, special events, advertising, brochures, and direct mail, has moved to 40 Eisenhower Drive, Suite 203, Paramus, NJ.

Gateway Group One, a provider of customer care and security services, has appointed Doug Goode as vice president of strategic business development. Mr. Goode is a 30-year veteran of the private security sector.

Hopkins, Sampson and Brown Real Estate Advisory Services, LLC announced that Dale Caldwell, former deputy commissioner of the New Jersey Department of Community Affairs (DCA), has joined the firm as senior vice president.

Jewish Vocational Service (JVS), a not-for-profit agency that provides New Jersey businesses with grant and privately funded employee training is celebrating 70 years of service to the state's businesses and residents. JVS serves over 18,000 individuals annually with career counseling, job placement assistance and other services.

KS Engineers, P.C.'s vice president of business development, Eileen Della Volle, received the marketing achievement award at the New York Chapter for the Society of Marketing Professionals' annual awards dinner. Ms. Della Volle works with state, local, and private agencies to develop relationships with business and community leaders.

Porzio, Bromberg & Newman P.C. announced that Brett S. Moore and Eric L. Probst have been promoted to principal and Anthony R. Ruscigno to counsel.

Sills Cummis & Gross PC announced that David L. Cook has joined the firm as counsel to the firm's litigation practice group. Mr. Cook worked as an assistant to the counsel to the president in the White House.

International commercial real estate services firm **Studley** announced that J. Thomas Glerum, a commercial real estate professional, has joined the firm as a senior managing director. Mr. Glerum will be based in Studley's central New Jersey office and will specialize in corporate representation.

WBGO-FM (88.3) won four national awards from Public Radio News Directors Inc. in the following categories: Call-In Program, Spot News, News/Public Affairs Program, and Interview.

WISS and Company, LLP announced that Alexander J. Narcise has been promoted to partner. Mr. Narcise is a member of the firm's accounting and auditing practice.

YouthBuild Newark, a Newark-based non-profit, was awarded a \$5 million grant from the U.S. Department of Labor. Much of the money will go toward job training and related support for teenagers who have been in the juvenile justice system.

To submit your organization's member news, please send an email to msteinberg@newarkrbp.org

What You Get *(continued from page 1)*

There are many more issues around which NRBP's Board of Directors is taking and planning action. Funding for transportation infrastructure; building upon the success of the Prudential Center for downtown; and uncovering discounts and services that will provide bottom line benefits for our members are all active items on our "to do" list. We thank you for your support and look forward to helping you improve your opportunities for business success.