

September Chapter Meeting By: Rana Katsha, PHR

This month's chapter meeting speaker was Erik Johnson, Esq., President of Creative Dispute Resolutions, LLC.

Erik provided our members with a number of reasons why an employer and employee should consider mediation or arbitration instead of litigation. For the most part, litigation is very expensive. Erik stated that litigated cases on the average cost are \$200,000. Not only are they expensive but time-consuming, as the median time between the date of a lawsuit and the start of a trial is approximately 2.5 years. Finally, litigation can be very risky for both parties and is publicized for the public (court records, etc). Employers who don't want the public to know of the case may want to consider a confidential process in resolving the issue and can turn to mediation. Alternative Dispute Resolution (ADR) seems to be a growing practice in the past ten years, and even more attractive to employers in the past year with the affects of the economy, which saves money and time.

Erik provided the members some positive reasons to consider ADR, especially mediation as the process to take to resolve workplace disputes and lawsuits.

Mediation

Mediation is a confidential process, so employers can avoid negative publicity.

A neutral third party facilitates the communication process and assists in identifying the real interests and issues. The mediator helps generate creative options for resolutions and helps resolve the disputes with a binding agreement.

Parties retain the decision-making power. If they don't settle the dispute through mediation, they can always go back to court.

Mediation on the average takes about half a day to a full day.

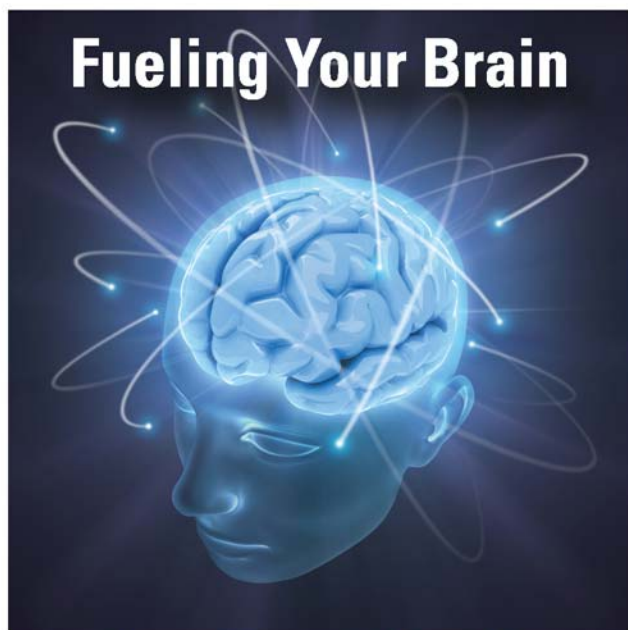
Arbitration

Arbitration allows the parties to retain a neutral third party (or panel of three) to serve as an arbitrator. The parties can select the judge to arbitrate the case. Arbitration is more confidential than litigation. The process is done under oath, is binding and cannot be overturned. It gives closure to the parties.

Erik stated that litigation does not always bring closure and satisfaction to the parties involved, whereas, mediation allows the parties to express their thoughts and although a verdict may fine the company, the employee may never receive payment. One may never be able to stand up in court and say what is on their mind but in mediation although it is a controlled environment, the parties can share their thoughts.

Erik provided additional information regarding ADR, which can be found on the company's website at www.creativedisputeresolutions.com.

MCSHRM would like to thank Erik Johnson, Esq. For his time and a very informative presentation on the use of mediation and arbitration to resolve workplace disputes and lawsuits.



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