

# Creative Dispute Resolutions, LLC

*Mediation, Arbitration, and Other Dispute Resolution Services Throughout Maryland and Washington, D.C.*

E-Newsletter  
June 2009

## MEDIATOR OF THE MONTH



*Elliot H. Shaller, Esq.*

After more than 25 years practicing law in Washington, D.C., Elliot Shaller has been a full-time mediator and arbitrator for the last four years (on top of his responsibilities teaching mediation and giving frequent presentations on ADR and labor and employment law topics). Elliot has substantial experience with all types of labor and employment-related disputes (including claims involving discrimination, wrongful discharge, employment contracts, severance agreements, non-compete agreements, etc.) and extensive training as both a mediator and arbitrator.

To review Elliot Shaller's complete biography, please [click here](#).

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## MORE Info

Interested in learning more about mediation, arbitration, or our other ADR services? Please contact us with any requests or questions you

## Feature

### Five Biggest Myths About Mediation

Our poor economy is causing many individuals, companies, and other organizations to reexamine the cost-effectiveness and utility of protracted litigation as a means of resolving their disputes. This reexamination seems to be fueling an increase in the use of ADR, including both mediation and arbitration. Yet, while this increase is notable and laudable, there are some persistent misconceptions about mediation that cause it to be greatly underutilized. Here are the five biggest myths about mediation that we continue to hear from parties and/or their attorneys: (1) discussing or proposing mediation is a sign of weakness; (2) agreeing to mediation might open the floodgates to more litigation; (3) going to mediation requires the parties to reveal all their evidence; (4) mediation won't work because I'm right, and I want my "day in court" to prove it; and (5) mediation is a waste of time because this case will never settle. These sentiments simply aren't true and need to be debunked. A recent article in the Maryland State Bar Association's Bar Bulletin covers these myths in greater detail and can be [found here](#).

- Erik C. Johnson

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## Recent ADR Articles and News

### "Survey: Lawsuits Bad for Business"

This was the title of a recent article in the Business Gazette that went on to discuss a recent survey conducted among small business owners in this state. Not surprisingly, 91% of those surveyed believed that the sheer number of lawsuits is hurting the business climate in the state. Much of the reason for this sentiment stems from the incredible expense associated with protracted litigation. As one of the attorneys interviewed for the article noted, the expense and risk associated with going to trial are causing more and more disputants to seek the assistance of a neutral mediator. And for good reason -- for the vast majority of disputes, mediation offers a much more economical, quicker, and more satisfying way of seeking resolution and closure. Quick resolution of disputes -- either through mediation or arbitration -- is a good way to balance the competing interests of reducing the number of active lawsuits with the

may have, or to inquire about a free seminar or presentation to your organization regarding the various ADR options.

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in our ADR  
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need for victims to be able to seek proper redress. [Back to top](#)

## **Poor Economy Leads to More Employment Law Claims**

The Equal Employment Opportunity Commission (EEOC) recently released statistics on the number of discrimination charges it received last year. In 2008, there were 95,402 discrimination charges filed against private-sector employers. That constitutes a 15% increase from the number of charges filed the previous year -- one of the largest increases in the agency's history. This trend is almost certain to continue through this year, as well. Much of this increase is due to the fact that more and more people are losing their jobs in this struggling economy. Employment discrimination claims can be extremely expensive to pursue and a roll-of-the-dice prospect in front of a jury. A mediation conducted by an experienced employment law attorney can be a tremendous value -- saving both time and money, and allowing the parties to express their emotions and move on. [Back to top](#)

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## **Upcoming Events**

### **June 2-4, 2009 -- *Inside/Out Television Appearance***

Two mediators from Creative Dispute Resolutions -- Hon. Ann N. Sundt (Ret.) and Erik C. Johnson, Esq. -- appeared recently on the local television show *Inside/Out* hosted by local attorney Pat Smith. The discussion centered on alternative dispute resolution (mediation, in particular), including its application in the area of family law disputes. If you missed the first airing of the show (or if you just can't wait to see it again), it is scheduled to be replayed on Channel 16 on June 2 at 10 p.m., June 3 at 7 p.m., and June 4 at 7:30 p.m.

### **June 10-12, 2009 -- *MSBA Annual Meeting in Ocean City, Maryland***

For those of you planning to attend the Maryland State Bar Association's Annual Meeting this year, please stop by our booth in the main lobby. We will have materials and information regarding our ADR services, as well as our world-famous peanut brittle. We'll also be giving away a great Washington Nationals baseball package for one lucky winner. We hope to see you there!

### **September 15, 2009 -- *ADR Presentation with The HR Team, Inc.***

Erik Johnson of Creative Dispute Resolutions will be part of an upcoming panel discussion on ADR hosted by The HR Team, Inc. that has been rescheduled for September 15 from 9 a.m. to 11 a.m. The presentation will focus on the different types of ADR, the benefits associated with each, and the utility of ADR clauses in various contracts and agreements. The audience for this presentation will be CEOs, business owners, CFOs, and Human Resources managers. If you or someone you know may be interested in attending, please contact [us](#) or [Eileen Levitt at The HR Team](#) for more information.

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