

Creative Dispute Resolutions, LLC

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

E-Newsletter
June, 2010

FEATURED MEDIATOR



**Hon. Carol E. Smith
(Ret.)**

Prior to her retirement from the Circuit Court of Baltimore City in September, 2008, Judge Smith previously served as a District Court Judge, an attorney in private practice, and as a legal aid attorney. Judge Smith has been a very prominent and well-respected member of the Maryland and Baltimore bar associations, the local educational systems, the Baltimore community, and the Girl Scouts. Judge Smith now serves as a mediator and arbitrator for a wide variety of disputes, including those involving medical malpractice, commercial matters, construction, personal injury, contracts, torts, products and premises liability, lead paint, asbestos, and property and land use disputes.

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

MORE Info

Interested in learning more about mediation, arbitration, or our other ADR services? Please contact us with any requests or questions you may have, or to inquire about a free seminar or presentation to your organization regarding the various ADR options.

Tel: (301) 977-8002

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Feature

Arbitration Should Be a Real *Alternative* to Litigation

One of the most prevalent complaints about arbitration these days is the cost associated with the process when certain national arbitration organizations serve as the administrator. Filing fees of several thousands of dollars are not uncommon from these national and international groups. But large filing fees and high hourly rates strip away one of the most compelling reasons to go to arbitration in the first place, especially if the high costs are also combined with a discovery and motions practice that mirrors what you would see if you were in state or federal court.

When done properly, arbitration can serve as a very useful alternative to litigation -- not only because the parties can pick their own knowledgeable decision-maker, but also because the process allows for significant cost and time savings. If you are considering arbitration, or if your contract mandates its use, please know that there are options out there for whom to use as the arbitrator and the arbitration service provider. Local and regional ADR groups -- such as Creative Dispute Resolutions -- do not charge the large filing fees, and they offer a streamlined process that stands in stark contrast to protracted litigation.

For an interesting perspective on the reasons why parties might want to choose arbitration, here's an article entitled "[Litigation Consternation: Arbitration Celebration](#)," written by Julie R. Rubin, Esq. and published in a recent May 2010 edition of Baltimore Smart CEO magazine.

- Erik C. Johnson

[Back to top](#)

Recent ADR Developments and News

Legislative Mediation

Last week, the Washington Post ran an editorial written by L. Michael Hager entitled "How to end gridlock: Mediation." The piece focused on the frequent legislative stalemates in Congress, and what steps could be taken to overcome the frustrating impasses and to develop a more thoughtful and productive legislative process. The author's answer was mediation. As he described it, mediation -- or "assisted negotiation" -- could help the parties understand their respective interests, generate possible solutions, and elevate discourse. The author even suggested the use of an organized third-party service to provide this type of ongoing legislative mediation. While it may not be enough to overcome the knee-jerk intransigence some senators and representatives apparently feel they must demonstrate in order to be re-elected, mediation in this setting does seem like it would offer a host of benefits for our legislative process.

[Back to top](#)

Government Contracts

Another recent article in the Post's Capital Business publication highlighted a growing trend in the world of government contracts -

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- bid protests. The Government Accountability Office reported that the number of protests has increased by 20% from the previous year, which was already up 17% from the year before. The article noted that the private sector has taken advantage of the bid protest system in greater numbers in the hopes of winning a better deal and/or reopening the negotiation process. Protests and multiple appeals, however, can take years and cost hundreds of thousands of dollars in legal fees, not to mention put a strain on the relationship between the government agency and the protesting contractor. With these realities in mind, mediation should be a considered alternative any time a bid protest is filed.

New Additions to CDR

Creative Dispute Resolutions is pleased to announce the addition of the [Hon. Dennis M. Sweeney \(Ret.\)](#) and the Hon. Robert H. Heller (Ret.) to its panel of mediators and arbitrators. Judge Sweeney recently retired from the Circuit Court of Howard County, and Judge Heller retired from the Circuit Court of Anne Arundel County. They now provide ADR services for a variety of family law and civil matters, including business/commercial disputes, personal injury and malpractice claims, premises liability, real estate, products liability, insurance-related actions, and other torts.

[Back to top](#)

Upcoming Events

40-Hour Basic Mediation Training -- July 12-16, 2010

Ellen Kandell and Joyce Mitchell are frequent mediation trainers. From July 12-16, they will again be providing their 40-hour basic mediation training course in Silver Spring, MD. If you are interested in learning more about the course or registering for it, you can find more information [here](#).

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