

Creative Dispute Resolutions, LLC

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

E-Newsletter
September 2009

MEDIATOR OF THE MONTH



*Hon. DeLawrence Beard
(Ret.)*

Judge Beard's distinguished and exemplary legal career in Montgomery County has included years of experience as a judge in the Circuit Court (11 as the Chief Judge), a judge in the District Court, a Public Defender, and an Assistant State's Attorney. Following his retirement in 2007, Judge Beard has been working as a mediator and arbitrator and continuing to teach trial advocacy as an adjunct professor. Judge Beard has substantial experience with all types of personal injury, contract, commercial, property, insurance, premises liability, construction, and malpractice claims.

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

Feature

Arbitration Fairness Act of 2009 (Bill)

This year has brought the prospect of big changes in the viability of some arbitration agreements, especially when it comes to various consumer transactions. The House of Representatives and the U.S. Senate both have similar bills in the works entitled "Arbitration Fairness Act of 2009," which are designed to address the unequal bargaining power and rights afforded certain individuals who are forced to agree to arbitrate any future disputes. If passed and signed, these bills would amend the Federal Arbitration Act and prohibit the use of pre-dispute arbitration agreements in the context of consumer, employment, franchise, and civil rights disputes (it does not include pre-dispute arbitration provisions in collective bargaining agreements). The biggest impact of this putative legislation would be felt in the arena of consumer debt collections actions, where pre-dispute arbitration agreements in credit card applications and cable and telephone company packages are ubiquitous. With such a prohibition in place, those claims would all head into the court system (where mediation would then be a great option). This legislation is designed to address a real problem in the consumer and employment arenas, but it shouldn't be interpreted as a rap on the entire arbitration process. When designed properly and agreed to by the parties voluntarily, arbitration can be a very effective means of resolving disputes.

- Erik C. Johnson

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Recent ADR Articles and News

Popularity of ADR on the Rise

The August 2009 edition of the American Bar Association Journal featured an article examining the practice areas that are managing to thrive even in these tough economic times. Not

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.

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surprisingly, the first area listed was Alternative Dispute Resolution. The first sentence of that section of the article summed up one of the primary reasons why ADR is becoming more and more popular: "Cash-strapped corporations of all sizes, private individuals and others are seeking to avoid litigation costs and procure the services of neutral parties to resolve business-to-business, consumer and family conflicts." While it is true that some parties will agree to try ADR simply for the potential cost-savings, it is also likely that they will continue to seek out mediators in the future once they realize all of the other benefits the process can provide -- e.g., savings in time, elimination of risk, maintaining control over the outcome, confidentiality, creativity, preservation of relationships, etc. [Back to top](#)

Creative Dispute Resolutions Expands to Baltimore and Annapolis

We are pleased to announce the addition of several outstanding mediators and arbitrators in Baltimore and Annapolis. In the Baltimore region, the following retired judges and experienced attorneys are now on our ADR panel: James B. Astrachan, Esq.; Hon. John M. Glynn (Ret.); Edward J. Gutman, Esq.; Mark F. Scurti, Esq.; and the Hon. Carol E. Smith (Ret.). In Annapolis, we have added Leslie G. Billman, Esq. and Joseph J. Mulhern, Esq. These new mediators and arbitrators are well versed in a variety of practice areas and help us provide ADR services to a broader geographical area. More information about these new ADR professionals, including their backgrounds and practice areas, can be found on our website under the [Mediators/Arbitrators tab](#).

ADR Blog

Over the summer, we changed and updated our [blog](#). Please stop by regularly, check out the postings, and leave us your comments. We hope the blog serves as a useful and informal way of initiating a dialogue about mediation and arbitration and sharing different perspectives and experiences.

ADR Video

In case you missed the program a few months ago, there is a video up on our website of a television appearance by Judge Ann Sundt and Erik Johnson, in which they discussed the benefits of mediation. The video can be found [here](#).

Upcoming Events

September 17, 2009 -- SHRM Presentation

On September 17, Erik Johnson of Creative Dispute Resolutions will be giving a presentation on the use of mediation and arbitration for employment law disputes to the Montgomery County chapter of SHRM (Society for Human Resource Management). The

presentation is scheduled for 7 a.m. to 9 a.m. and will be held in Germantown, MD. More information can be found [here](#).

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October 28, 2009 -- ADR Presentation with The HR Team, Inc.

Erik Johnson will also be part of an upcoming panel discussion on ADR hosted by The HR Team, Inc. that has been rescheduled for October 28 from 8:30 a.m. to 10:30 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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