



Dear Readers,

Welcome to the third annual issue of ADR Champions, a special supplement developed by the business arm of The National Law Journal. In the pages that follow, you'll read 46 profiles of people who continue to make their mark in various aspects of alternative dispute resolution While many of those recognized come at the negotiation and settlement process from different angles, a common thread ties them together: each has shown a deep passion and perseverance in pursuit of their mission, having achieved

remarkable successes along the way.

We received hundreds of nominations cast in favor of this year's honorees and a cast of other leading minds who will surely be recognized in years to come. We took time to vet each submission and interviewed each ADR Champion to find out what has driven them to reach success. In the pages that follow, I think you'll enjoy reading these short findings.

As with all NLJ supplements, the list is never complete. Our goal is to spotlight those making a big difference and the search never ends. If you have someone you feel should make our next list, please reach out and let us know. We hope you enjoy this special section and look forward to hearing from you with your nominations for next year's list!

Congratulations again to this year's honorees.

All the best,

Richard Caruso

Vice President & General Manager, Legal Media



Congratulations to these JAMS neutrals for being named to the National Law Journal

ADR Champions List



Richard Chernick, Esq.



Bruce A. Edwards, Esq.



David Geronemus, Esq.



Hon. Allen Hurkin-Torres (Ret.)



Hon. Edward A. Infante (Ret.)



Hon. Arlander Keys (Ret.)



Gerald A. Kurland, Esq.



Jed D. Melnick, Esq.



Jerry P. Roscoe, Esq.



Linda R. Singer, Esq.



Eric E. Van Loon, Esq.



Hon. Daniel Weinstein (Ret.)



Hon. Diane M. Welsh (Ret.)



Hon. Rebecca Westerfield (Ret.)



Cathy Yanni

Setting the standard of excellence by which all ADR providers are measured is an essential part of our mission at JAMS. Learn more at **jamsadr.com**.

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TAREK F. ABDALLA

REED SMITH LLP

CHAMPIONSHIP PEDIGREE Tarek Abdalla began his legal career as a commercial litigator doing the full range of litigation matters. "I then focused my practice as an advocate on larger construction matters, where there are often arbitration clauses. I practiced in Abu Dhabi and Dubai for five years working on the major projects throughout the Middle East. In the international arena, arbitration is the forum of choice. When I returned to the United States, I continued my international and domestic arbitration practice. I've also had the good fortune of being involved in a large number of mediations."

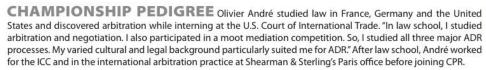


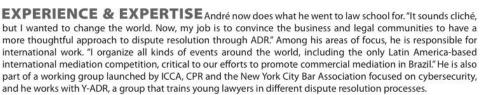
EXPERIENCE & EXPERTISE Abdalla's work has taken him to Europe, Latin America, the Middle East and all over the United States, and his matters have included disputes on major construction projects worth billions of dollars. "I'm proud that I've had experience with many kinds of cultural and legal backgrounds and have been able to recognize those differences and how to navigate them to achieve results for my clients. Dispute resolution means different things to different people. Over the years, I've been able to develop an understanding and sensitivity to different legal backgrounds. Hopefully, I've used that understanding to optimize results for clients."

FUTURE VISION Abdalla's clients are increasingly interested in predictability of cost and timing. "It's incumbent upon institutions and practitioners to ensure that we can provide our clients with that kind of knowledge and information. I try to do that, with the broad-based experience I've had." And while mediation plays an important role in the United States, that's not the case in many other countries. "There is a resistance and failure to understand what I believe is an excellent way to resolve disputes. Over time, this very good method of resolution will filter out to the rest of the world."

OLIVIER P. ANDRÉ

THE INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION





FUTURE VISIONCybersecurity will be a game changer. "A lot of people in arbitration are not technically savvy. Our efforts will be critical." ADR will continue to grow because it is cost-efficient, flexible and innovative. The younger generation of lawyers, more open to different approaches, will use it to solve increasingly complex problems. "We will see more diversity in dispute resolution, in terms of diversity in general, but also in terms of more diverse processes, different institutions and different rules. It will lead to more creativity in resolving problems."



4 June 2018

ADR CHAMPIONS

C. MARK BAKER

NORTON ROSE FULBRIGHT

CHAMPIONSHIP PEDIGREE Mark Baker took an aptitude test in middle school that indicated his potential career path should be either lawyer or judge. "Mediation wasn't an option, but that's really what the results were saying. When I finished my clerkship in Houston, the ADR movement had just begun and the Texas economy was booming. There was a big backlog in state and federal court, and it was clear there had to be a better way."



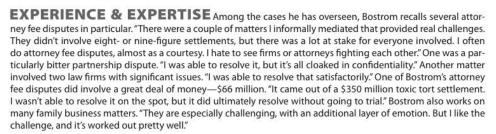
EXPERIENCE & EXPERTISE Baker's specialty is international disputes, and he is now the firm's global co-head of international arbitration. "I've had seats at many different tables. I'm one of the few that have held senior positions with all the major arbitral institutions—ICC Commission, as an officer of the London Court of International Arbitration, on the executive committee of AAA for three terms and currently on the Singapore Arbitration Association Board. I did the largest commercial arbitration in the world as lead advocate. I've been called to the White House to brief the vice president and the secretary of state on cases with political implications." He has also done work for Noble Energy. "It provides energy security to Israel. There was a complicated multiyear process with the Israeli government, and it worked out for oil companies, investors, the government and the people of the region."

FUTURE VISION The United States is a mature ADR market. "The single most significant issue we are witnessing is a real attack on arbitration. Every election cycle, this great tool for resolving commercial disputes is attacked along with consumer arbitration." Internationally, there is still much to be done. "Investor-state arbitration is where the investment community may lose an excellent way to resolve investment disputes because of illinformed attacks by the uninformed demagogues that show up in those spaces."

RUSSELL BOSTROM

JUDICATE WEST

CHAMPIONSHIP PEDIGREE Russell Bostrom was retired from the Orange County Superior Court and working as an associate professor of law in 1993. "One of my students came to me and said he was working for an ADR company that was looking for retired judges. I called up his employer, Judicate West, and I ended up going to work there full-time."



FUTURE VISION The poisoned politics of today notwithstanding, there has been a trend toward mediation. "When I started, it was little used. But now, it's almost an institutionalized part of the process. It's better than going through the melodrama and costs of a trial. At least in Southern California, any case of any substance now goes to mediation."



RICHARD P. BYRNE, ESQ.

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE Richard Byrne has been serving as a mediator since 1992. "Mediation was first coming on the horizon as an efficient and cost-effective means of resolving litigation and other disputes." A commercial litigation specialist, his law practice of over 30 years focuses on insurance coverage work. "I occupy a unique niche in the ADR community."



FUTURE VISION No one has ever suggested that litigation is a good business model. "The future will see robust growth in the mediation field, and it will ultimately be the primary means by which commercial disputes are aired and concluded." E-discovery will be the next substantive area where mediators play an increasing role as the challenges in identifying, organizing and exchanging electronically stored information expand in scope and intensity in the commercial litigation arena.



SASHA CARBONE

AMERICAN ARBITRATION ASSOCIATION

CHAMPIONSHIP PEDIGREE Sasha Carbone was an associate at a law firm when she first developed a strong interest in ADR. She realized that many litigators were not well versed in the benefits of arbitration and mediation, and importantly the differences between ADR and litigation. She discovered that she could provide real value by developing an expertise in ADR law and procedures. When she had the opportunity to join the American Arbitration Association in 2003, she "was thrilled to join an organization committed to alternative dispute resolution."

EXPERIENCE & EXPERTISE Carbone is now associate general counsel and assistant corporate secretary of AAA. She also co-chairs AAA's Diversity Committee. "I'm most proud of my work helping to establish AAA's A. Leon Higginbotham, Jr. Fellows Program in 2009 and running it from its inception. Diversity and inclusion are core values for AAA, and this program advances those values. It's geared to provide training, mentorship and networking to help diverse ADR professionals gain a foothold in the ADR field. The centerpiece is a weeklong intensive training program at our offices. There have been 134 fellows, and 34 have successfully advanced to AAA's roster. I am also proud of my role in recruiting diverse arbitrators and mediators for the AAA panel. As the chair of AAA's Diversity Committee, I have helped to build partnerships with national, minority and local bar associations around the country in order to recruit diverse panelists for the AAA's roster."

FUTURE VISION The makeup of arbitration and mediation panels will continue to become more diverse and inclusive. "Many ADR institutions and bar associations are focused on increasing diversity. We have got a long way to go, but we're starting to see some progress as a result of these efforts.

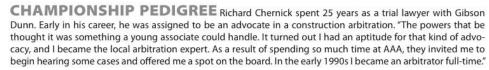


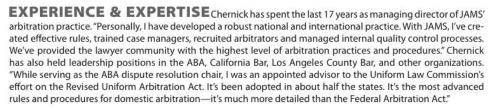
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ADR CHAMPIONS

RICHARD CHERNICK

JAMS





FUTURE VISION Commercial arbitration is alive and well, although consumer arbitration has a less certain future. "All areas of sophisticated business practice rely on domestic and international arbitration agreements. It's distinguished from consumer arbitration, which is controversial. Recently two or three major law firms have stopped requiring their staff to sign arbitration agreements as part of #MeToo. While the U.S. Supreme Court is largely supportive of consumer arbitration, it continues to be challenged in places."



JOHN COOPER

FARELLA BRAUN + MARTEL LLP

CHAMPIONSHIP PEDIGREE John Cooper is primarily a trial lawyer, and he has done several mediations and arbitrations. "But I've been appointed as special master in a number of cases, which is where I am involved in ADR."

EXPERIENCE & EXPERTISE Cooper served as special master in Waymo v. Uber. "My role was within the full scope of Rule 53, and that gave me all the power of an Article III judge except for criminal sanctions. While I did mostly discovery issues, I did what the judge asked me to do. I would sometimes have two to three calls a day to make sure all parties were in compliance with court orders. The trial was resolved with a settlement. No one believed it would settle, but it did." Cooper also did ADR work in 2012 for the Oracle and Google dispute over Android technology. "This case came under Rule 706 of the Federal Rules of Evidence. The judge brought in his own expert. There were two trials, neither of which got to damages. Recently, the Federal Circuit reversed and remanded one case."

FUTURE VISION Rule 53 of the FRCP regarding special masters reduces a great deal of the burden on courts for resolving certain issues. "It also gives two bites of the apple: once in front of the special master and the other in the court of appeals. I'm a member of the American College of Trial Lawyers, and I believe that lawyers have an obligation to assist judges to make their lives easier. And of course, judges need to find authority for Rules 53 and 706. Rule 706 started with technology cases about 15 years ago. The belief is that Rule 706 helps judges, so we will see how that plays out."



HON. JOHN. P. DIBLASI, J.S.C. (RET.)

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE John DiBlasi was a trial lawyer for many years before spending 15 years as a judge, including 11 in Superior Court. "I know the court processes intimately. When I left the bench about 10 years ago, ADR was not as big as it is now. I perceived an enormous need for resolution outside of the incredible expense and time spent in litigation and unpredictability of jurors. That's what drives the ADR process."



FUTURE VISION There will be significant growth in commercial arbitration, as well as mediation. "There is a radical increase in these areas. If you have a good ADR provider and good arbitrators, I've seen a willingness and desire to go to mediation if the commercial case can't be resolved. It's so cost-effective."



BRUCE EDWARDS

JAMS

CHAMPIONSHIP PEDIGREE Bruce Edwards' background was in psychology before going into law." I realized our traditional legal system and its formalized approach to dispute resolution was archaic and ignores the human element of conflict. I attempted to address this by building a better process. I started mediating in 1985. At age 30, I opened one of the first mediation companies in the United States, the Bates Edwards Group. It merged with Endispute in 1993, then a year later Endispute merged with JAMS."

EXPERIENCE & EXPERTISE Edwards estimates that he has mediated more than 7,000 cases since 1985. "That probably makes me one of the most experienced mediators in the United States." His cases tend to be large multiparty matters, including construction and environmental. "You might have 30-50 parties, including emotional and insurance issues. These require creative approaches." He also provides teaching and training. "I opened Edwards Mediation Academy several years ago. It was the first online ADR training platform. I've now taught mediation in more than 20 different countries using online materials." Edwards recently returned from Rwanda, where he is helping implement mediation in the civil justice system. "We trained the first group of judges and lawyers. I'm particularly proud of this."

FUTURE VISION Edwards also looks for ways to inspire successful commercial mediators to employ their skills in noncommercial settings. "In May, I'll be in Edinburgh at the International Academy of Mediators. We're inviting mediators from around the world to look for ways to identify and address a variety of societal problems and insert themselves into some of those issues to pursue civil discourse." Mediation skills can also be used preventatively. "I've been involved in teaching mediation competency skills in a variety of workplace trainings focused on how to employ mediation skills to minimize disputes before they escalate."



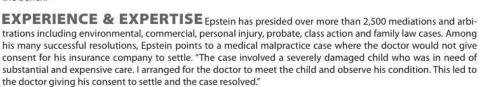
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ADR CHAMPIONS

HON. MARK B. EPSTEIN (RET.)

HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP

CHAMPIONSHIP PEDIGREE Mark B. Epstein served for 22 years as a Superior Court Judge presiding over civil, chancery and family law cases in New Jersey's trial courts. "I attempted to resolve every case before trying it, and must have settled thousands of cases. Usually, a settled case is better than one that has to be decided by someone other than the parties." Epstein now works as counsel to the Hoagland firm conducting mediations and arbitrations. "It was a natural evolution. I try to use the skills I've accumulated over my years on the bench."



FUTURE VISION The number of arbitrations will increase. "That is a result of the many decisions upholding arbitration agreements. Arbitrations are cost-effective and more employment and other types of cases will be proceeding to arbitration." Mediation will also be a thriving business for many years. "If parties can get into a mediation quickly, both lawyers and litigants know they can save time, money and stress."



HELENA TAVARES ERICKSON

THE INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION

CHAMPIONSHIP PEDIGREE Helena Erickson has been involved in ADR since she was a young associate at White & Case. "I was put on international arbitration matters, including during three years in Paris. I continued to work in the field after moving to Dewey Ballantine in 1995." In 2004, she left private practice and joined CPR, where she oversaw committee research and education. "In 2006, I started taking over the case management function and eventually got to my current position as senior vice president of dispute resolution services."

EXPERIENCE & EXPERTISE Erickson has been very focused on increasing diversity in the dispute resolution field. For example, she took over CPR's Leadership Council on Legal Diversity program last year. "It's a program initiated with FINRA and the LCLD to get young diverse lawyers into the ADR field. It's a two-year program. Six people went through it last year, and five people are participating this year." She has also worked to make sure that qualified people from diverse backgrounds are nominated for cases. "For the 2017 fiscal year, the selection rate overall was 23 percent for diverse people and 19 percent for women. Those rates are actually higher than the percentages on the panel of our neutrals."

FUTURE VISION There is a growing trend toward more customization in dispute resolution agreements. "We see many agreements where the parties provide their own procedures and use our rules as gap fillers. This means the ADR business is going strong and the parties are taking as much care in their arbitration clauses as they are in other terms of their agreements. That's a wonderful development." Also, the ADR market outside the United States is maturing, and there will be more arbitration, mediation and other forms of ADR in the international context.



HON. ABRAHAM GAFNI

ADR OPTIONS, INC.

CHAMPIONSHIP PEDIGREE Abraham Gafni served as a judge in Philadelphia. "I was the calendar judge, and all civil cases went through me. I would attempt to help lawyers arrive at settlements rather than try cases. In the 1980s, the president of the Pennsylvania Bar Association asked me to chair the ADR Committee, and I began to appreciate the increasing importance of ADR statewide." Gafni left the bench in 1994 to become a full-time professor at Villanova. "I worked to get ADR into the curriculum." He has also authored more than 70 articles on arbitration and mediation. "I've had a combined career doing academics and ADR." Gafni's honors include being awarded the Pennsylvania Bar Association's Francis Bacon Award for his impact on ADR.



FUTURE VISION ADR is increasingly employed in unexpected areas. "For example, people are working with hospitals, schools and neighborhoods. All these now have their own programs. Most disputes cannot be managed satisfactorily through trials. Every organization and community must be able to resolve conflict through less traumatic and devastating processes. In the 1990s, ADR generally was understood as synonymous with arbitration alone. Today we understand that it and mediation, perhaps to an even greater degree, have together expanded into all areas of our lives."



TRACY L. GERBER

GREENBERG TRAURIG, LLP

CHAMPIONSHIP PEDIGREE Tracy Gerber represented major Wall Street brokerage firms in disputes with clients and employees early in her career. "These disputes were required to be arbitrated, either by agreement or by industry rules. Many of these matters actually went to a final hearing. I realized that if I wanted to try cases, I needed to focus on arbitration-oriented industries." A 2010 case proved to be a turning point. The case was brought by former investment advisors to the multibillion-dollar Tobacco Trust escrow accounts. "It was the largest employment case to be brought before FINRA at the time, and I was first chair." The arbitration panel denied the advisors' \$232 million claims. Over the years, Gerber has tried 50 cases to final award. "Typically, only government counsel get that kind of experience."

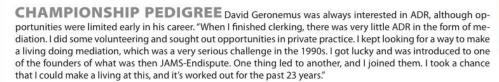
EXPERIENCE & EXPERTISE Gerber now co-chairs the firm's broker-dealer securities litigation practice. "Because I arbitrate so much, the enforceability of arbitration agreements is something I argue from time to time. I've had interesting cases in court. I wouldn't have been able to do these but for the sizable practice I've developed in the arbitration area." For example, Gerber has successfully argued before the 11th Circuit. "You don't expect to get to do oral arguments at the federal appellate level when you do arbitration. But I've done it and won."

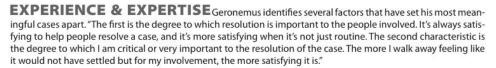
FUTURE VISIONThere will be more arbitration in general and more options for arbitration to increase the efficiency of the process. "I was recently involved in a lengthy arbitration. We realized we needed another week, so we decided to do it all by video. I had my doubts about whether it could work, but it worked beautifully and was very efficient. That will be utilized more in the future."



DAVID GERONEMUS

IAMS





FUTURE VISION There is always a potential fallacy in assuming the future will be a continuation of past trends. "But what is exciting is the extent to which people in the litigation world believe now that very complicated cases with very high stakes are suitable for mediation. It's not that people have stopped mediating simpler cases, but it's illustrative of the breadth of cases that are being mediated." Training young mediators will also be important. "I began my career as a mediator in my early 40s, which is kind of young. We need to cultivate the next group of mediators."



HON. JEROME C. GORSKI (RET.)

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE Jerome Gorski was nearing the end of his term as a justice in the Appellate Division of New York. "Having had a lot of experience as a judge and attorney, I thought that when I retired, I'd like to get involved in ADR. I always thought ADR was an efficient way to resolve disputes. I ultimately had conversations with Roy Israel and NAM, and we reached an accommodation. So I left the bench a little early to become a full-time mediator and arbitrator."

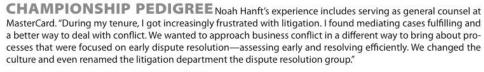
EXPERIENCE & EXPERTISE In his 50-year career, Gorski can point to a number of highlights. "A trial with Johnnie Cochran pops out. But I've always been proud of the fact that when I decided I wanted to be a lawyer, I really never thought I'd get to a point where I would go through four phases of the law and still be practicing: a lawyer for 24 years, trial judge for 13 years, appellate judge for 10 years and now ADR work. It's not often people enter a field and work in four different areas. Three years ago, the Western New York Trial Lawyers gave me a lifetime achievement award. That put the cap on my career and is something I was very proud of."

FUTURE VISION There has been a growth in ADR agreements inserted into corporate contracts, with two- or three-phase processes that move from mediation to binding arbitration. "That's all before expending the money and time to go to court. I have seen literature on coercive attempts to get people to go to arbitration as a condition of employment. I don't know how to solve that, and I'm not trying to be critical of it, but I hope that kind of issue can be resolved without being coercive."



NOAH HANFT

THE INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION





FUTURE VISION Working to operationalize dispute prevention is a growing area of focus. "We're building into commercial relationships a mechanism for getting into disputes early before they become full-blown business concepts. A number of corporations and firms are working with us."



Anna Hershenberg

THE INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION

CHAMPIONSHIP PEDIGREE Anna Hershenberg clerked for two judges and spent 12 years as a litigator. "I saw how difficult and devastating litigation can be for clients, so I started believing in mediation. I feel lucky that the opportunity to work at CPR came across my desk, because I get to work with others who believe in the same things."

EXPERIENCE & EXPERTISE Hershenberg is now vice president for programs and public policy at CPR. "We are doing tons of programming and have started a Government and ADR Task Force on best practices for handling ADR with government agencies and sharing dispute resolution innovations." She also helped introduce the "Young Lawyers Rule" to CPR's Arbitration Rules. "More federal judges have been using the rule to give young lawyers, who are also disproportionately women and people of color compared to partners, substantive roles. When I saw this in the federal courts, I wondered why we weren't doing it. I think we are the first arbitral institution to include the rule, and I hope others will join us. We were just nominated for a GAR Innovation Award for it." CPR has also started collaborating with a nonprofit, NFTE, to teach startup skills to children from underresourced communities. "We're trying to convince them there are better ways than just litigating."

FUTURE VISION More in-house counsel will take the lead with respect to diversity. "I hope more opportunities for young and diverse attorneys open up." And while legal departments like arbitration, it often seems to cost as much and take as long as litigation, at least domestically. "We expect in-house counsel to push outside counsel to rein in discovery and follow rules that a matter must be resolved within a year. Otherwise, no one will want to arbitrate anymore."



HON. ALLEN HURKIN-TORRES (RET.)

IAMS

CHAMPIONSHIP PEDIGREE Allen Hurkin-Torres was assigned to the bench about 20 years ago, after an earlier career as a long-haired rock drummer traveling across the United States. "As a judge in Brooklyn, I was put in charge of the inventory. My only job was to get rid of cases. To be a successful mediator, you need to have a skill set. And you get that experience by mediating a lot of cases. My time on the bench gave me that opportunity."



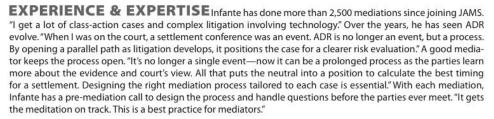
EXPERIENCE & EXPERTISE Hurkin-Torres takes a very practical approach to mediation. "It's important to explore the issues, but you also have to push the parties. You also have to genuinely like people for this work. On a spring day I might go for a walk with a party to talk about the case or meet with both parties for dinner." His current work on the commercial side is often confidential. "But I joke that if there is a disaster, it's probably coming to me." For example, the Supreme Court for the State of New York appointed him to serve as special master/mediator for *In re: Steam Pipe Rupture Litigation*. He also was involved in the 91st Street crane collapse and the Metro-North train derailment.

FUTURE VISION As prevalent as ADR is in the United States, that's not the case in many other countries. "Sooner or later it will almost be pro forma that cases will make a pit stop in ADR. Very often, courts are not equipped to handle a case. A judge cannot shut down the courthouse for many weeks to deal with just one case. Also, different cases need different types of neutrals. You can search out neutrals whose personality will mesh well, which is not possible for judges."

HON. EDWARD A. INFANTE (RET.)

JAMS

CHAMPIONSHIP PEDIGREE Ed Infante served as a magistrate judge in the Northern District of California. "The court was a pioneer in ADR. It was part of the case management scheme that nearly every civil case had to have an ADR process. I spent about 50 percent of my time settling cases and probably settled 2,000-3,000 while on the bench. I learned good techniques and avoided bad habits for developing a process for settling cases. When I retired in 2001, it was natural that I would go into ADR practice."



FUTURE VISION ADR is becoming the primary method for resolving disputes. "I see that litigation will become the alternative dispute resolution channel for commercial cases. Many contracts contain arbitration provisions, and the U.S. Supreme Court has generally upheld the enforceability of these clauses. It's controversial and the Supreme Court may have to revisit it, but for now arbitration is growing."



ROY ISRAEL

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE As a businessman, Roy Israel always thought there had to be a better way to resolve disputes than litigation, and he recognized that parties needed a time-efficient and cost-effective alternative to traditional litigation. "In the industry's nascent stages, there were very few companies that offered what later became known as alternative dispute resolution services. Early on, I spent a great deal of effort introducing the benefits of mediation and arbitration to a vast number of practicing attorneys, law firms, insurance companies and corporate entities who only had a limited understanding or minimal experience with either forum." Subsequently, he founded NAM. "In addition to providing arbitration and mediation services, many of NAM's initial offerings and innovations, including video-conferenced hearings, desk arbitrations, high-low arbitrations and online case management, have become mission-critical services now commonly used by the legal industry."



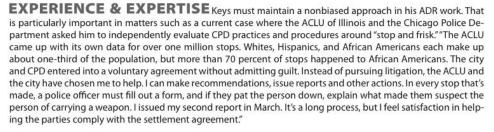
FUTURE VISION There is an unequivocal acceptance of the dispute resolution forum in areas of commercial, employment, cross-border and international dispute resolution. "As traditional litigation becomes increasingly more expensive and time-consuming, clients will continue to turn to ADR professionals for assistance in resolving their disputes in a cost-effective, expedient and confidential manner."



HON. ARLANDER KEYS (RET.)

JAMS

CHAMPIONSHIP PEDIGREE AI Keys served as a U.S. Magistrate Judge in the Northern District of Illinois for 20 years. "I was involved in all aspects of civil litigation. I also engaged in settlement conferences for my own cases, as well as for other judges. That was my favorite aspect of the job. Settling cases was preferable to going through the litigation process, even though I was prepared for that, too. It was a logical progression to go into ADR once I left the court."



FUTURE VISION The future of ADR is bright. "Courts are so overwhelmed, and more lawyers are looking for speed and lower cost. Lawyers and parties realize they are getting the same judges in ADR as they would in court."



MAUREEN KURDZIEL

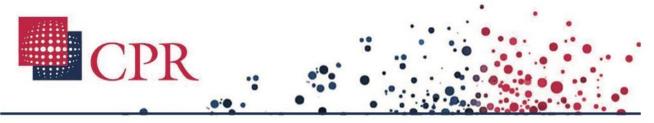
AMERICAN ARBITRATION ASSOCIATION

CHAMPIONSHIP PEDIGREE Maureen Kurdziel worked for a Supreme Court judge in New Jersey after graduating from law school. "While he was in the criminal division, he also did civil motions, and I got involved in civil division management. After finishing there, I went into division management rather than practicing." Kurdziel revamped the arbitration program as one of her first projects at the courthouse. "They didn't have a lot of structure. We raised the profile and acquired some additional space, so the parties to arbitrations could come into a professional setting and have some privacy. I won an award for that." After four years, she went to work for AAA.



EXPERIENCE & EXPERTISE Kurdziel's main initiative with AAA has been with New York insurance programs. "We've managed to take those from full paper to an electronic caseload. There is now more efficiency and ability to access cases online and work from a tablet, among other benefits." Kurdziel also worked on Hurricane Sandy matters. "We got up and running in four weeks, even though we were in downtown New York, which was also flooded. We were able to actually help people who suffered losses, rather than businesses." She is committed to the "nonassigned" part of the clientele. "When you get the actual injured party, it might be their first time in a quasi-judicial system. We can't give legal advice, but we have a separate team to hold their hands through the process. It's important to reach the people who really need assistance."

FUTURE VISION ADR is a great way for businesses to quickly resolve disputes with a level of privacy. "With educated and experienced professionals, it offers parties and individuals the opportunity to resolve their disputes more quickly, rather than waiting years on end."



CPR CONGRATULATES ITS ADR CHAMPIONS









Noah J. Hanft | Helena Tavares Erickson | Olivier André | Anna Hershenberg

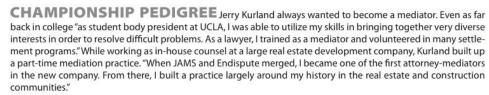
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The CPR Institute. For more than 40 years—and with more than 500 distinguished, experienced mediators and arbitrators — helping parties prevent and solve their business disputes.



GERALD A. KURLAND

IAMS





FUTURE VISION ADR, as opposed to litigation, will continue to gain widespread acceptance as the preferred way to resolve disputes. "Most litigants in virtually every field of the law now try to settle their cases before spending time and money in the formal discovery process." ADR will continue to expand outside the United States



IAN A. LAIRD

CROWELL & MORING, LLP

CHAMPIONSHIP PEDIGREE Ian Laird became interested in international arbitration in law school. While doing an LL.M. at Cambridge, he studied with Professor Von Low and others. "I was privileged to start off in such an august group. When I came back to Toronto, I worked on a bunch of NAFTA cases, which was my introduction to the international field."

EXPERIENCE & EXPERTISE Laird views himself as a pioneer in investor-state ADR. "There was almost no one working in that field at the time. The NAFTA cases were contentious and caused a lot of debate about international trade in general. It was a pretty heavy time to be a young associate involved in this." He has worked to educate others in the field. About 15 years ago, Laird founded the website Investmentclaims.com. "Oxford University Press bought us out, and it's still running. It includes treatises, treaties and much more than cases, as well as my latest book, 'Evidence in International Investment Arbitration.' Practitioners rely on these materials every day."

FUTURE VISION Technical advancements will continue in international investment arbitration. "We will see more video conferences and video witnesses, and the electronic element will become more popular. We're seeing less paper. That's a huge change even in the time I've been practicing." Third-party funding for international investment arbitration has experienced huge growth over the past five years. "Now it's something that clients and states are much more aware of. The idea of moving to institutionalization internationally is also unfolding dramatically right now. The EU is pushing the idea of an international investment court. This could be a revolutionary step. Will there be widespread reform, or will we keep to the status quo?" There is also a push for more transparency, such as the signing of the Mauritius Convention.



MICHAEL P. LENNON JR.

MAYER BROWN LLP

CHAMPIONSHIP PEDIGREE Mike Lennon gradually evolved toward ADR. "In Texas, we have mandatory mediation for litigation. So, I was familiar with dispute resolution. My practice is energy disputes, and as the energy business exploded internationally, it led me to international arbitration and expert determination. It's contractually driven in most cases."



FUTURE VISION The future of arbitration, especially internationally, is strong. "We will continue to face ongoing challenges such as diversity and working on cost and time efficiency. The more interesting question will be what happens to arbitration domestically. There is a lot of anti-arbitration sentiment at the moment." There is also a great deal of pressure to eliminate arbitration as a mechanism to resolve investment disputes between investors and the government.



GREGORY LITT

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

CHAMPIONSHIP PEDIGREE Greg Litt took a course in college on cross-cultural mediation. "I learned that there's a world of possibilities for resolving disputes and that people were thinking creatively about new approaches. As a litigator, I want to have all the different mechanisms for resolving disputes at my fingertips."

EXPERIENCE & EXPERTISE Litt now has a wide-ranging international ADR practice. Among his cases, he recently served as co-lead counsel for NTT Docomo of Japan, successfully winning and enforcing a \$1.2 billion arbitration award against Tata Sons of India. "We started with an international arbitration in London. After winning the award, we created an effective strategy to enforce it that included bringing legal proceedings in three different countries: the U.S., UK and India. It was a very important case, because there had been difficulty enforcing arbitration awards in India." Last year, Litt also served as co-lead counsel in successfully representing an Asian soccer official who had been sanctioned by FIFA over purported ethics violations. "We represented him before FIFA's internal appellate body. Unlike traditional courts, the procedure is largely set by whoever is on the panel. We spent an entire day arguing the appeal and responding to the different types of questions from judges from different cultures and legal backgrounds. As far as we know, this is the only time FIFA has overturned an ethics sanction in its entirety."

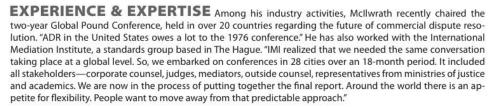
FUTURE VISION Mediation and arbitration are both relatively mature, and Litt believes there will be a trend towards solutions tailor-made for particular industries. "Clients have a desire for more specialized dispute resolution offerings in specialized areas, like IP. Also, in areas where collaboration is important, such as in the construction industry, people want to find ways to build dispute resolution processes that help parties keep projects moving while disputes get resolved."



MICHAEL MCILWRATH

GE BAKER HUGHES

CHAMPIONSHIP PEDIGREE Mike McIlwrath was a litigator before moving in-house to oversee litigation for a GE Italian subsidiary. "I turned to ADR as a form of self-preservation more than anything else. Disputes had gotten out of control, and I was looking for any possible way to make the caseload more manageable. I found a presentation that PD Villarreal had prepared on GE's Early Dispute Resolution model. It was a eureka moment. At first, we had a lot of doors slammed in our faces. But after two years, our caseload decreased from 143 to about 65. Over the next two years, it went down by half again. Now it's more manageable."



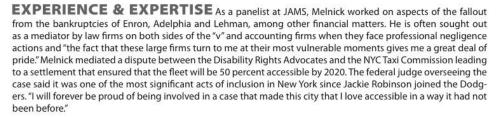
FUTURE VISION Although arbitration is facing a challenging moment, dispute resolution will continue to grow globally. "It's easy to opt in, low cost and low impact. ADR will overcome challenges and continue its general trend toward being used for commercial disputes. As companies find ways to sift disputes into categories, they will find ways to resolve them in different ways."



JED MELNICK

JAMS

CHAMPIONSHIP PEDIGREE Jed Melnick has always seen both sides of issues. "I went to law school to learn how to mediate. I structured my career to get trial and courtroom experience so I would have the credibility necessary to work with sophisticated lawyers. I had an opportunity to partner with a preeminent commercial mediator, and I helped to close the settlement on one of the first cases we worked on together after he had to run for a plane. In time, I turned that into my own practice."



FUTURE VISION Mediation will expand exponentially. "Courts look to see whether there has been a mediator involved in evaluating fairness, and parties increasingly see the value of a mediator to drive speedy, efficient and creative processes. ADR is increasing in sophistication and more big institutions that were resistant to early evaluation are realizing the benefits of early settlements."



HON. KARLA MOSKOWITZ (RET.)

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE Karla Moskowitz was appointed to the bench in 1982. "My favorite part was hearing cases in the commercial division in New York County—we had the most interesting cases. I'd try them, dispose of them somehow or send them to arbitration. I loved that more than sitting as an appellate judge." Before reaching the mandatory retirement age of 76, Moskowitz considered what she wanted to do next. "I loved hearing cases and mediating, so I didn't want to practice law. I figured ADR was the only way to continue. I took courses in commercial arbitration, mediation, ethics and other matters during my last two years on the



FUTURE VISION There will be more ADR as litigation becomes more expensive. "Clients will look at the cost-benefit analysis and realize that even though they lose the right to appeal, it will cost less to arbitrate. There is also the ability to keep matters confidential, which you cannot do in court. So I see corporations expanding their use of ADR."



JOE PROFAIZER

PAUL HASTINGS LLP

CHAMPIONSHIP PEDIGREE Joe Profaizer was a third-year associate in Houston, Texas, when his wife, a Foreign Service officer, was posted to the U.S. Embassy in London. "I followed her, began working on an LL.M., qualified as an English solicitor, and was hired by Wilmer Cutler & Pickering to work for a leader in international arbitration. As an associate at a midsize firm in Houston, I had several small cases in which we used mediation as a means to resolve the dispute. I experienced the full range of litigation, mediation, arbitration and settlement negotiations, and saw early on the possibilities that mediation could offer. As I developed a practice, it grew organically."

EXPERIENCE & EXPERTISE Profaizer now chairs Paul Hastings' global international arbitration practice, is a vice-chair of the Washington, D.C. office, a co-chair of the Washington office talent development committee and an adjunct professor at Georgetown University Law Center. "I'm proudest that every day I get to practice, teach and mentor in a field that I love."

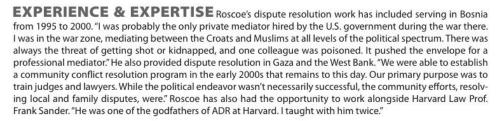
FUTURE VISION ADR is increasingly not "alternative." "It goes back to a key precept: Different problems require different tools—negotiation, mediation, arbitration and litigation. Lawyers should understand both within and across borders that one size does not fit all. They need to decide what will work promptly, efficiently and successfully for their clients. We are seeing the mainstreaming of ADR." In the international field, there is also mainstreaming. Increasingly, major commercial disputes have an international component. "Twenty years ago, international litigation and arbitration were fairly limited. Now, most major complex commercial disputes contain an international element. Lawyers must consider what tools are best, not just in one jurisdiction, but across multiple countries and disciplines."



JERRY P. ROSCOE, ESQ.

JAMS

CHAMPIONSHIP PEDIGREE Jerry Roscoe began his career as a litigator. "I noticed from clients' perspectives that even when they won, litigation could be a destructive process. As the advocate, I realized that all the energy consumed by the trial experience was rarely recovered." Roscoe's final case as an advocate was in 1988, and his dispute resolution practice began to take off in the early 1990s.



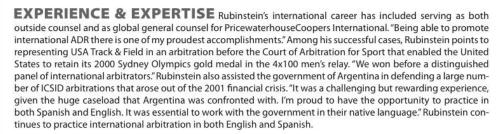
FUTURE VISION A mediator's job involves training parties and advocates to better manage and resolve conflict. "It's not just resolving the dispute in front of us, but leaving the parties better able to react to conflict. I see ADR attaining equal status with litigation in the lawyers' toolbox and lawyers better able to help clients to settle disputes. The profession will also get more much-needed diversity in terms of race and gender."



JAVIER RUBINSTEIN

KIRKLAND & ELLIS LLP

CHAMPIONSHIP PEDIGREE Javier Rubinstein was born in Argentina but raised in the United States. "When I graduated from law school in the 1980s, I was interested in international litigation. But it wasn't really an option then." He began with domestic commercial litigation, until he discovered international arbitration in the mid 1990s. "As soon as I discovered that, I was hooked." By the early 2000s, Rubinstein's practice consisted almost entirely of international arbitration.



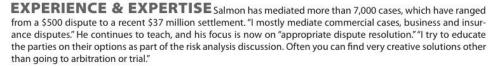
FUTURE VISION The system for resolving investor-state disputes is under attack, particularly in Europe. "I do think the system is likely to undergo change, but I do not think investor-state arbitration will go away." The future is also very bright for international commercial arbitration, especially in emerging markets. "There is huge arbitration growth in Latin America, with a similar trajectory in Asia."



JOHN SALMON

SALMON & DULBERG

CHAMPIONSHIP PEDIGREE John W. Salmon practiced law before leaving for the business and academic world. "I was creating a venture capital firm when a partner said I would make a great mediator. I asked, 'What's a mediator?' I took the course, started mediating in my 30s and have been a full-time neutral ever since." Florida was one of the first states to promote court-annexed mediation. "I was an early leader." Salmon served as one of the first presidents of the Florida Academy of Professional Mediators and received its Award of Merit in 2010. He is a Distinguished Fellow of the American College of Civil Trial Mediators, on the editorial board of the American Journal of Mediation and a member of the National Academy of Distinguished Neutrals.



FUTURE VISION As the current group of ADR professionals grows closer to retirement, Salmon is working to find, train and mentor the next generation of mediators. "There is a great need for a younger and more culturally and gender diverse group of mediators. I enjoy my profession and plan to continue mediating for many more years, but it is incumbent upon me and my 'generation of neutrals' to ensure the future of mediation as a worthwhile process serving attorneys and their clients."



HON. LARRY S. SCHACHNER (RET.)

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE Larry Schachner served as a judge for about 20 years in the Supreme Court of New York, where he was assigned to the Special Trial part in Bronx County. "The best part of the job was trying to resolve cases, and in the court system you don't always get enough time to go in-depth and use your interpersonal skills to resolve litigation. I recently had the opportunity to work with NAM, and it was something I knew I'd enjoy."

EXPERIENCE & EXPERTISE As a judge, Schachner's cases covered the city of New York, MTA and New York Housing Authority. "I think I lasted there longer than any other judge. I'm most proud that I was able to reduce the backlog while managing a very high caseload. When I took it over, people had to wait about four years. By the time I left it was down to 18 months." Among his cases, he oversaw the successful end of the Pelham Bay Landfill litigation. "The case involved different plaintiffs with different types of blood cancers. It took more than 20 years, and in the end, I resolved it. Another case involved high-publicity police misconduct."

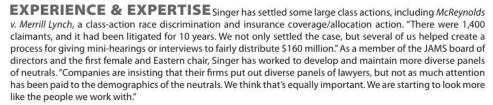
FUTURE VISION The court system is still overburdened, and ADR will continue to grow. "I see ADR as a very cost-effective, efficient means to resolve litigation. It will become more attractive to more people and businesses. While I was on the bench, people always had an excuse as to why they couldn't settle. But in mediation, they are there because they want to resolve the case. It's a night and day situation. There is more flexibility for both me and the litigants. I can use my negotiating skills, knowledge of the law and experience to resolve a lot of these cases."



LINDA SINGER

IAMS





FUTURE VISION ADR is becoming more popular, particularly mediation. "Arbitration is controversial, but mediation is not. And it's spreading all over the world. More people are coming to see what we're doing in the United States and replicating it in different parts of the world." Maintaining excitement over the process will be the issue. "Mediation can do things that adjudication can't, such as provide creative solutions, satisfaction and more participation by parties, rather than solely their lawyers."



JOHN J. UPCHURCH

UPCHURCH WATSON WHITE & MAX

CHAMPIONSHIP PEDIGREE John Upchurch was the youngest retired judge in Florida in 1987, when the state passed an ADR statute in order to refer cases to nonbinding arbitration or mediation. "They set up a training and certification program that included retired circuit judges. I was one of the few who could adjudicate these matters." Upchurch was managing partner of a Florida law firm at the time. "I enjoyed this type of work and kept doing it. We created a mediation department, which we eventually spun off to create my current firm."

EXPERIENCE & EXPERTISE One of Upchurch's most famous cases involved race car driver Dale Earnhardt Sr., who died during the Daytona 500. "Within days, the press started making public records requests for photographs of the crash. The judge asked me to mediate. We mediated over a four-day period with his widow, Teresa. I brainstormed a solution that involved an expert to review the photos and make sure the underlying future safety issue needs were met. Both sides agreed. That was an extraordinarily gratifying outcome." Upchurch has also been involved in efforts to advance dispute resolution. "In 1995, I co-founded the American College of Civil Trial Mediators and am active in the International Academy of Mediators. I was personally very involved with the Institute for American Law, which was co-sponsored with the University of Warsaw. I taught ADR to Polish law students. That is something I'll always look back at with pride."

FUTURE VISION video capabilities will add efficiencies to ADR processes. "With the proliferation of these tools, I'm starting to think that as an industry we might revisit our insistence on personal attendance." There will also be more online dispute resolution programs, similar to eBay's. "That process resolves tens of thousands of consumer disputes efficiently and quickly."









WINNER: JOHN J. UPCHURCH FIRM: UPCHURCH WATSON WHITE & MAX

Just as a watchmaker carefully

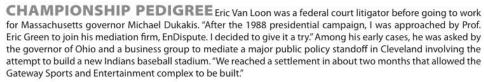
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JAMS





FUTURE VISION Mediation in particular is very well established in the United States and becoming more so every year. "The clear trend is toward bigger matters, and starting mediation earlier in (or even before) the litigation process. It helps businesses evaluate disputes more clearly and figure out a resolution before committing enormous resources to litigation." Internationally, ADR is far less established and primarily exists as arbitration. "I see mediation's spread to other countries as the biggest change over the next decade or two. But it's a slow process."



HON. JOHN LEO WAGNER (RET.)

JUDICATE WEST

CHAMPIONSHIP PEDIGREE John Wagner was appointed a U.S. magistrate judge in the Northern District of Oklahoma when he was 31. "That court had the highest caseload per judge in the country. Around 2000 we started a court-annexed mediation program out of desperation. I ran that program for 12 years."

EXPERIENCE & EXPERTISE Since leaving the bench, Wagner has done more than 5,000 cases. "The most important might be one which involved a facility for 250 disabled children. One kid was dying per month due to neglect. The parents got the place shut down, but the school district sued to avoid taking them. The goal was to get the kids in the schools, and we did. The case took a year, and I spent the next five years making it work. It became a template for other districts and schools." Wagner also worked on the Trans Alaska Pipeline Quality Bank mediation and another case that involved five Native American tribes that were given an old Indian school by the Department of the Interior. The tribes had entered into a lease with an alcohol rehab organization that could pay whatever it wanted. "There was no recourse. The tribes asked me to mediate. It took five years, but everyone was happy at the end."

FUTURE VISION Dispute resolution has undergone an evolution. "Instead of being an extraordinary process, now there's an element of normalcy. It's common to have multiple sessions. Claims people, lawyers and neutrals have lives and don't want to be working until 1 a.m. For an old dog, that's a very vibrant, gradual transition." The future will include ongoing evolutions of new techniques and changes to opening sessions and mediators' proposals. "We're seeing increased specialization, too, with more premediation work and post-mediation follow-up."



HON. IRA B. WARSHAWSKY, J.S.C. (RET.)

NAM (NATIONAL ARBITRATION AND MEDIATION)

CHAMPIONSHIP PEDIGREE Ira Warshawsky served on the bench for 25 years. "When I finished in 2011, I was still young enough to do more in the area of settling cases. I hated to see cases not settled when they should be and money left on the table. Mediation is now my primary focus, and arbitration is the next best thing to being a judge."



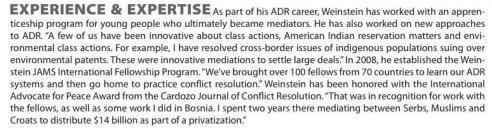
EXPERIENCE & EXPERTISE Warshawsky now works as a neutral overseeing cases throughout the New York metropolitan area. "One of my biggest matters was a massive construction case. It came before me as a judge, and they had already used a well-known mediator. A year after I heard the case on the bench, some of the parties asked me to give mediating a shot. There were 22 or 23 parties involved, so I decided to do something different and break it up into pieces. First, I met with plaintiffs, then primary defendants, then subcontractors, then in slightly larger groups. Eventually, it settled." At NAM, he has also worked with co-arbitrators around the country. "That includes some with massive infighting that required Daubert rulings, even though most arbitrators don't want to do Daubert rulings."

FUTURE VISION ADR must consist of mediation first and arbitration second. "Everyone is writing arbitration clauses, and the quality is getting better. The goal of clauses should be cost efficiency and speed. Parties must consider venue, choice of law and ESI. You cannot escape ESI." E-mediators will also mediate e-discovery for ADR and litigation. "If the parties hit a wall with the ESI portion, each side should have in-house counsel, outside counsel and an IT person at a meet and confer with a protocol to follow. The general counsel is the first step to a less expensive future in ADR use."

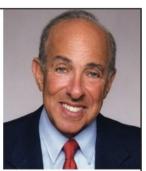
HON. DANIEL WEINSTEIN (RET.)

JAMS

CHAMPIONSHIP PEDIGREE Daniel Weinstein left the bench 32 years ago to start JAMS with several of his peers. "We all loved doing settlements and wanted to do it full-time. People said we were crazy, but we were at the right place at the right time."



FUTURE VISION Weinstein is launching a new foundation, Weinstein ADR International, with several colleagues. "We just incorporated and will fund and carry out regional efforts to solve regional problems with fellows placed around the world. Each one deals with region-specific issues, like migration in the Middle East and slave trade in the Mekong Delta. We are finding regional issues where the fellows all come together and use their mediation skills and contacts to make an impact on these problems. I'm spending about half my time on the foundation work."



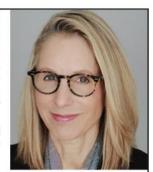
DANA WELCH

WELCH ADR

CHAMPIONSHIP PEDIGREE Dana Welch worked as a litigator and general counsel. "That taught me how expensive and distracting litigation can be. When I finished my term as GC, I knew that my experience in litigation and on a business team uniquely suited me to become a successful arbitrator."

EXPERIENCE & EXPERTISE Welch is most proud of serving as a role model for women who want to succeed in a profession that is usually white, older and male. "I like to take what I've learned and teach new women arbitrators." She has also been asked by AAA to conduct trainings for new arbitrators. "They are usually very seasoned lawyers, who just don't know how to make the process work. It's their introduction to managing arbitration." The case of which Welch is most proud grew out of the acquisition of a small company by a large public company and involved the employment agreement of the CEO of the smaller company. "It was complex and involved issues of employment and M&A law. The award reflected the complicated nature of the case."

FUTURE VISIONTwo things must happen. The first is mandatory employee and consumer arbitration. "It has received a lot of negative press—some warranted and some not. Some institutions are experimenting with simple online arbitrations to allow even inexperienced people to participate." Second, when it comes to commercial ADR, both arbitrators and providers will have to be responsive to the underlying parties and lawyers. "There will be a winnowing of the field to those who are responsive to the parties' needs, as opposed to those doing 'arbigation' which is like arbitration turned into litigation. Providers will have to pick arbitrators who are responsive to the needs of the parties and lawyers, or they won't succeed."



HON. DIANE M. WELSH (RET.)

JAMS

CHAMPIONSHIP PEDIGREE Diane Welsh served as a U.S. magistrate judge in the Eastern District of Pennsylvania for 12 years. "I spent most of my time conducting settlement conferences on every type of case you see in a large urban court—antitrust, labor and employment, class actions and insurance. I conducted thousands of settlements." Since moving to JAMS, Welsh has maintained a similar docket. "I've been mediating the same breadth, but on a national level."

EXPERIENCE & EXPERTISE Welsh has been with JAMS for 13 years. "My practice is now very robust with exciting work." Her caseload is complex and diverse and she continues to do MDLs and mass torts. "I have successfully resolved medical device cases globally, including the \$2.5 billion Stryker metal-on-metal hip settlement and Wright Medical metal-on-metal hip settlement." In 2017, Welsh served as one of two special masters who divided the \$265 million settlement fund from the Amtrak 188 crash in May 2015 that killed eight and injured 200. "We conducted 135 live hearings with victims and victims' families over four months. The victims were paid in July 2017. It was an extraordinary effort and a privilege to give victims a measure of justice and the opportunity to tell their story." She was also involved in the Aetna privacy breach and resolved the 2016 \$55 million settlement with Ikea involving dressers that tipped over and killed toddlers.

FUTURE VISION Today's sophisticated lawyers and clients won't litigate without giving mediation a chance. "The trend continues to be pre-suit mediations earlier and earlier due to the enormous burden, expense, disruption and risk in terms of public disclosure that comes out during discovery. Once you file, you lose control and may even be giving up the possibility of a confidential settlement. Both sides have that interest."



HON. REBECCA WESTERFIELD (RET.)

JAMS

CHAMPIONSHIP PEDIGREE Rebecca Westerfield was a circuit judge in Kentucky when she decided to move to California. "ADR was just getting off the ground." Once there, she visited Danny Weinstein, one of the founders of JAMS, and he offered her a job. "I realized I would have to retool myself and went to a lot of programs with thought leaders, which led to the start of my career as a neutral."



EXPERIENCE & EXPERTISE Westerfield considers herself a generalist. "Generalists are a dying breed. I enjoy working with complex, substantive issues as well as cases that are complex in terms of people. The accomplishment is getting people and companies out of the mire of litigation, so they can get on to what they do well. Most satisfying is where emotional content is high, such as family disputes or catastrophic cases." Westerfield believes that ADR complements the court system. "I'm a big believer and supporter of an independent judiciary, and there are cases that do need to be tried." This belief has taken her to India, where she works with the Foundation for Sustainable Rule of Law. "The notion is not to create ADR programs that compete with the courts, but those that are cooperative. We've done training programs for the Supreme Court of India in Delhi and Bangalore to help lawyers understand the benefits of ADR and support court programs."

FUTURE VISION With economic globalization, cross-cultural competencies are needed. "It requires travel, study, sensitivity and the energy to make something happen or to move things and people toward resolution respectfully." Social media presents another issue. "We will see more conflict over miscommunication." The growing understanding of the neuroscience of conflicts will also impact the field. "We need to get parties out of fight-flight-freeze reactions to a place where they feel safe enough to work on creative resolutions."



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CATHY YANNI

IAMS





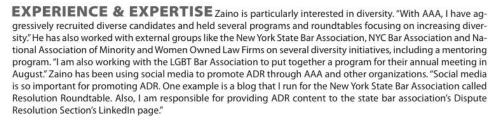
EXPERIENCE & EXPERTISE Yanni views her practice in two sections. "The first is national MDL/class-action cases, and the second is the cases that deal with individuals. In recent years I've done more big MDL cases, but I like to have local cases too." Among her MDL matters, she currently serves as special master in the national opioid litigation in Cleveland. "I'm working with cities, counties, hospitals and tribes that have brought suit against manufacturers and distributors of opioids. So far, there are 400 consolidated cases. It's the biggest and most complicated case I've ever worked on, because it deals with social, political and business issues." Her work on the local side includes employment matters such as discrimination and sexual harassment cases. "I've done those my whole career. I can feel like I'm really helping plaintiffs and employers come to a satisfactory solution that's better than hand-to-hand combat."

FUTURE VISIONThere are growing numbers of cases involving privacy and data breaches. "That work is on the horizon and will not be going away anytime soon." Pharmaceutical and medical device work should continue as well. "I like working in that arena and find it very rewarding."

JEFFREY ZAINO

AMERICAN ARBITRATION ASSOCIATION

CHAMPIONSHIP PEDIGREE Jeffrey Zaino has been involved in ADR his entire career. "I worked at AAA while going to law school in the 1990s and briefly left to practice law. Since returning to AAA, I've held numerous positions in Connecticut, Massachusetts and now New York. I was fortunate throughout my career to work in multiple areas of ADR—commercial, construction, insurance, labor and employment."



FUTURE VISION Several trends will naturally drive ADR expansion. "First, a majority of the courts in the United States have adopted or are exploring court-annexed ADR on a mandatory or voluntary basis. Second, law firms and law schools are educating lawyers and future lawyers about ADR. Third, more lawyers and clients properly educated on ADR and its benefits will cause a natural increase in use. And fourth, third-party funding and educating the public about it will lead to an increase in ADR."

