

# Creative Dispute Resolutions, LLC

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

E-Newsletter  
March, 2010

## FEATURED MEDIATOR



**Suzanne M. Snedegar,  
Esq.**

Suzanne Snedegar is one of the most experienced and successful family law mediators in Maryland. In addition to her law practice in Bethesda, Suzanne has been mediating for the past fifteen years. Suzanne has been an active member of the local bar associations and has been properly recognized as a "Super Lawyer" in Maryland and Washington, D.C. in the field of alternative dispute resolution. Suzanne's primary practice areas include domestic disputes (divorce, child custody, child support, alimony, marital property), wills, trusts, and estate administration.

To review Suzanne Snedegar'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

### Subject Matter Expertise

There are different schools of thought within the ADR community as to whether a mediator ought to have expertise (or even substantive knowledge) in the subject matter of the dispute before him or her. Some argue that a good mediator can be effective in any type of dispute regardless of that mediator's knowledge of the subject. Others – like me – disagree. For many of us, subject matter expertise is deemed a critical part of the mediator's qualifications for a particular dispute.

Some attorneys and parties want their mediator to be able to provide some evaluation and analysis of the claims and defenses being asserted. That evaluation only carries credibility if the mediator has a thorough understanding of that area of the law. But, even for those situations when the mediator is only serving in a facilitative capacity and does not provide any form of analytical feedback, subject matter knowledge is still important. A thorough understanding and background in a certain subject allows the mediator to ask pertinent questions and to focus in on critical emotional and evidentiary issues. It also arms the mediator with a better ability to help the parties brainstorm potential remedies and solutions. The types of creative resolutions available in construction matters can be different than those in an employment law case and altogether different than those that might be proposed in a divorce mediation. In essence, a mediator with subject matter expertise in the particular dispute at hand is likely to be more effective in assisting the parties reach a resolution.

- Erik C. Johnson

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## Recent ADR Developments and News

### Mediation Myth #1

Over the course of the next few months, we are going to highlight some of the persistent myths that still seem to surround mediation. The first myth is one that comes up far too frequently – "Proposing or agreeing to mediation is a sign of weakness."

This myth stems from the mistaken belief that an offer to mediate demonstrates an uncertainty in one's case, and that mediation requires one party to capitulate or to compromise its positions and interests. On the contrary, mediation is a process designed to facilitate constructive communication, to examine creative solutions, and to save the disputants considerable time and money. It is not a process wherein one side has to give in, and it does not constrain the parties from touting the strengths of their case. Rather than signaling weakness, an offer to mediate should be seen as an acknowledgement of the magnitude of the costs that lay ahead for both sides.

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### The Recession's Effect on Litigation

Fulbright & Jaworski recently published its 2009 "Annual

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Litigation Trends Survey Report," and there were a number of interesting things to note about the ways the survey's participants stated the poor economy has affected their litigation practices. Among the findings – "More than 40% of public companies and close to half of the largest companies have seen increases in litigation caseload and their use of alternative fees because of the economy"; "Among the largest companies, more than 75% say they have been affected; 22% cite more lawsuits and 35% highlight tighter cost controls"; and almost half of the companies surveyed now use some form of alternative fee arrangement with their outside counsel.

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## Upcoming Events

### "How to Save Time and Money with ADR"

The Maryland State Bar Association is sponsoring a **free** webinar on the subject of ADR and how it can help businesses save time and money. The program will cover the types of ADR, the benefits associated with each, when they are appropriate, and why ADR is a far more efficient and effective process for resolving disputes than protracted litigation. The webinar is scheduled for 10:30 to 11:30 a.m. on Thursday, April 22, and you can "attend" from the comfort of your own office. If you are interested in registering for this free webinar, please [email](#) us, and we will forward additional information regarding registration.

### Negotiation Training -- March 19, 2010

The ADR Section of the Maryland State Bar Association is also sponsoring a great training program on negotiation techniques that can be used during mediation and in everyday life. The course will be taught by Erica Ariel Fox, a lecturer from Harvard Law School and founder of the Global Negotiation Insight Institute. Registration information can be found [here](#).

## Exhibitions

Creative Dispute Resolutions will be an exhibitor again at both the Bar Association of Montgomery County's Law Day (on May 14) and the Maryland State Bar Association's Annual Meeting in Ocean City (June 9-12). If you plan to attend either or both of these events, please stop by our booth and say hello (and eat our world-famous peanut brittle).

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