



RESOLUTION POINTS™

JOURNAL OF MEDIATION & ARBITRATION

What is *Resolution Points*, the Journal

Welcome to *Resolution Points*, a quarterly publication of Resolution Point LLC.

Resolution Point LLC was founded by Daniel R. Burk, a lawyer practicing since 1981. Mr. Burk felt that sometimes he could “win” cases while not always achieving the best long term results for his clients due to the constraints of the business and litigation environments. Resolution Point provides a forum for disputing businesses, families and individuals who are

unable to reach agreement on their own. The goal is to find creative solutions in a structured, yet informal setting.

The publication was designed to be a “quick read” for busy business executives, attorneys, judges, court clerks and individuals interested in reading about the latest Alternative Dispute Resolution (“ADR”) methods, and in particular about mediation and arbitration.

Each issue of *Resolution Points* will include topics for judges, lawyers and court clerks. Different articles will address business executives, while others will focus on families and individuals.

If there’s a topic you would like to see here, write us at [info @ resolutionpoint.com](mailto:info@resolutionpoint.com).

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Start A Customer Mediation Program

If you run a large or small business, consider whether a mediation program might help with your customer relationships

Start with a few questions:

1) Do you have long-term customers that are more

important than any specific dispute?

2) Which types of disputes might be mediated?

3) What mediators will you use?

4) What steps can you take so your customers perceive that the mediators are impartial?

5) Will mediation be a contractual part of customer service disputes?

With a little planning, your customers will appreciate your willingness to “sit down and talk” through their concerns. That can only be good for your business!

Jurist Box — Identifying Cases for Mediation

As a lawyer or judge, how do you recognize a case that would benefit from mediation?

Two important elements in mediations are confidentiality and preservation of relationships. Consider mediation for litigants who have:

- A long-term relationship to preserve (*e.g.*, almost all family, employer/employee, landlord/tenant matters).

- Intellectual property to protect (*e.g.*, pending patents, trade secrets).
- Valuation differences between the cost of one party's goods and services and the value for them as perceived by the other.
- Trouble self-assessing the weaknesses in their case.
- Negotiation or power imbalance.

- Precedent-setting concerns. Mediation can preserve relationships in a confidential setting where the participants can evaluate their cases, equalize imbalances and creatively problem-solve.

jur·ist (jŭr'ist), n. **1.** a lawyer. **2.** a judge. **3.** a person versed in the law.

USEFUL LINKS

This issue online:

<http://resolutionpoint.com/newsletters/2007-1.pdf>

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Resolution Points is published electronically each quarter and is available by email and online at resolutionpoint.com.

The newsletter design illustrates that few problems have “black and white” solutions; there’s usually lots of room in the middle. The converging triangles on each page emphasize that through directed communication, participants from very different perspectives can converge while individual interests are respected.

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