

The Metropolitan Corporate Counsel®

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Volume 15, No. 12

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December 2007

A First: CPR Honors Law Firm With Award For ADR Excellence

The Editor interviews Bennett G. Picker, Partner, Stradley Ronon Stevens & Young, LLP.

Editor's Note: At its recent meeting in Boston, The International Institute for Conflict Prevention & Resolution (CPR) presented the organization's inaugural "Law Firm Award (Award) for Excellence in Alternative Dispute Resolution (ADR)" to Philadelphia-headquartered Stradley Ronon Stevens & Young, LLP. In presenting the Award to Stradley Ronon, Kathleen A. Bryan, CEO of CPR stated "they have set a successful benchmark for addressing resolution, prevention and management of major disputes in multi-practice areas." The Award Review Committee, comprised of corporate counsel from GE, duPont, Abbott Labs, Northrup Grumman, Johnson & Johnson and Microsoft, as well as law school faculty, agreed that Stradley Ronon demonstrated the firm-wide commitment and culture promoting the principles of conflict resolution. Bennett G. Picker, Chair of Stradley Ronon's ADR Practice Group for the past decade, accepted the Award on behalf of the firm.

Editor: Ben, how did you develop an interest in ADR?

Picker: In my first mediation, well over 20

Bennett G. Picker concentrates his practice in mediation and arbitration. Mr. Picker is a Fellow of both the International Academy of Mediators and the American College of Civil Trial Mediators. He serves on the panels of the American Arbitration Association and CPR and serves as a member of the Executive Committee of the American Arbitration Association's Board of Directors. Mr. Picker is the author of Mediation Practice Guide: A Handbook For Resolving Business Disputes (Second Edition) published in 2003 by the ABA Section on Dispute Resolution.



On behalf of Stradley Ronon, Bennett G. Picker receives the Award for Excellence in ADR from the CEO of CPR, Kathleen A. Bryan.

years ago, I saw the ways in which a mediator identified and overcame many of the barriers to resolution that were invisible to the parties and counsel. I found this mediation to be transformative in my professional life and then sought out a program of mediation training to learn more about the process. I was convinced early on that the flexible and intensely personal process of mediation offered a very real potential for clients to resolve disputes based upon their underlying business interests.

Editor: How did your interest in ADR influence your career and affect Stradley Ronon?

Picker: I came to Stradley Ronon 12 years ago, in part, because Bill Sasso, the firm's Chairman, offered his full support of a plan to create an ADR Practice Group and to develop a firm-wide culture that would embrace ADR. With the continued support of

firm management, we have been able to create a 13-lawyer ADR Practice Group and educate all of our lawyers concerning ADR strategies and techniques. With a lot of hard work, we have achieved total buy-in for ADR in a way that has redefined the very fabric of the firm. This group is charged with providing sophisticated ADR advice in their core areas in litigation, corporate transactions, employment, banking and bankruptcy, estates, environmental, intellectual property and insurance. After a decade of chairing our group, in order to devote my full time to serving as a mediator, arbitrator and trainer, I turned over the leadership of the ADR Practice Group to two of my partners who are extremely knowledgeable and passionate about ADR, Lee Rosengard and Kevin Casey.

Editor: What are the ADR goals of the firm and its ADR Practice Group?

Picker: Our goal is to have every attorney

Please email the interviewee at bpicker@stradley.com with questions about this interview.

consider the use of alternative dispute resolution as an integral part of the practice of law and the advice we give to our clients. We regularly employ ADR strategies and practices to enable us to achieve results that further our clients' business goals, reduce the expense and delay associated with resolving disputes and avoid distractions to management which prevent our clients from focusing on their business objectives. Our approach also encompasses the design of systems to avoid and manage disputes and embraces a sophisticated pursuit of a full range of dispute resolution options, including negotiation, litigation, mediation, arbitration and customized ADR options. Working with our clients to make early case assessments, our attorneys have been trained to explore the underlying interests as well as the rights of the parties, the parties' relationships, and the potential outcomes that might be available through ADR.

Editor: The Award recognized the firm's expansive firm-wide training in ADR.

Picker: When we began our initiative, we brought in Professor Dwight Golann, then at the Harvard Program on Negotiation, to conduct a program of mandatory training for all of our partners. Members of our ADR Practice Group then trained our associates in both formal and informal sessions which we have continued to this day. What may set Stradley Ronon apart is the extent to which we have changed the firm's culture. Many firms are still reluctant to embrace an ADR approach because they perceive that ADR may be a threat to a profit center – litigation. In fact, as a result of our years of experience with ADR, we recognize that strong litigation skills and ADR are entirely complementary. Most corporate counsel want outstanding trial lawyers who think strategically and also appreciate the opportunities offered by ADR.

Editor: The firm's ADR Practice Group was also cited for partnering with clients to deliver educational programs and for disseminating information more generally.

Picker: We have together with clients provided training programs on issues such as drafting dispute resolution clauses, mediation advocacy, negotiation and international arbitration to numerous companies throughout the region, and as far away as Georgia and Texas. We usually customize our corporate programs to address a company's specific interests and concerns. More generally, our practice group members over the past decade have authored more than 50 articles for leading business and legal periodicals. We will be publishing a Stradley Ronon ADR deskbook to collect some of the best of these articles. Our ADR Practice Group members have also

provided education and training programs at numerous law schools, ADR organizations and companies throughout the nation and in the UK. We also have disseminated information through our "ADR Forum," an open forum on ADR issues for corporate counsel, government officials, academics and mediators and arbitrators. Our speakers have included Peter Steenland, head of the United States Justice Department's ADR programs and Robert Meade, Senior Vice President of the American Arbitration Association. We also publish a substantive quarterly newsletter, *The ADR Advisor*, which includes articles from corporate counsel and even members of other law firms. Additionally we have created an Internet resource center which can be accessed at www.adrpathways.com.

Editor: CPR mentioned the firm's development of innovative ADR practice tools and conflict management systems for its clients.

Picker: We have developed practice tools for our firm's attorneys and corporate counsel clients to implement ADR strategies and techniques taught in our education programs. Examples include a primer on negotiations "Ten Keys to Effective Negotiations" and "Ten Keys to Breaking Impasse"; a formal screen to determine whether mediation is appropriate at an early stage of a dispute; and a dispute resolution drafting checklist for our transactional lawyers.

We also have undertaken many innovative assignments such as, for example, the design of a company-wide employment ADR system to permit early airing of grievances with mediation and arbitration as final steps. These programs have proven to be enormously successful because their goal is to treat employees fairly. We also created an ADR process for the summary adjudication of claims in a mass tort setting. Our frequent assignments as "settlement counsel," or second track counsel have also been quite productive.

Editor: The firm was also cited by CPR for actively participating in shaping many cutting-edge developments.

Picker: We have been at the forefront of many leading ADR initiatives and have participated in the leadership of ADR organizations nationally and internationally. We are on the boards and advisory committees of organizations such as the American Arbitration Association, CPR, and the Straus Institute for Dispute Resolution at Pepperdine Law School, all of which are global leaders in ADR. Our Practice Group Co-Chair, Kevin Casey, just wrote a two-part series entitled "Law Firm ADR Departments Can Respond to Market Challenges" in the Janu-

ary and February edition of CPR's *Alternatives*. I recommend it to any law firm seeking to embrace ADR on a firm-wide basis. Lee Rosengard, Co-Chair of our practice group, annually authors updates on the ADR Chapter in a joint publication by Association of Corporate Counsel and West Publishing entitled "Successful Partnering Between Inside and Outside Counsel." I recently was appointed as an American advisor to the International Mediation Institute at Hague, Netherlands, which is considering, among other things, a program of certification for mediators internationally. Our members have also keynoted law school symposia, commented on proposed court rules on mediation and, most recently, drafted a proposed audit of best practices in law firm ADR for corporate counsel to send to their law firms to encourage greater use of law firm ADR – our draft is currently in the hands of several corporate counsel who plan on moving this initiative forward.

Editor: CPR recognized the firm for linking your ADR programs to successful pro bono community activities.

Picker: We have been able to link our ADR commitment to other important issues such as, for example, diversity and pro bono. Specifically, we are pleased to be participating in CPR's National Task Force on Diversity in ADR. In the realm of pro bono, our practice group members have annually presented a three-hour conflict resolution tutorial to a group of 20 10th grade students from the Philadelphia Law Academy. We also formulated and participated in a pro bono mediation process in which the firm attempted to facilitate a land use dispute between a religious institution and surrounding community. As a result of this project, the institution and neighborhood association have developed a close working relationship which has enabled them to resolve subsequent disputes.

Editor: Why have CPR and corporate counsel praised Stradley Ronon's ADR achievements so highly?

Picker: Substantial commitments by law firms to ADR best aligns the interests of a law firm and its clients. There is no question that corporate counsel led the movement for ADR initially, because of their interest in saving time and money. However, a more recent driver of ADR and mediation has been their recognition of ADR's potential to preserve relationships and to develop business solutions to disputes. For almost 30 years, the CPR has been a venue for corporate counsel to institutionalize ADR in corporate and law firm settings. CPR's programs, practice manuals and other initiatives have been one of the main reasons that we have seen an exponential growth of mediation throughout America.