

# The Art of Resolving Disputes Outside of the Courtroom

The theme of this month's *Bar Briefs* is litigation/ADR and mediation. Alternative dispute resolution is a term that refers to the methods employed to resolve litigation and/or disputes, including mediation and arbitration. The process employed allows individuals and/or companies or corporations, essentially litigants, to resolve disputes in what is usually a more cost effective and less adversarial manner.

Personally, my first contact with mediation was in the context of our family business, and it failed miserably because the mediator had no knowledge of the underlying issues or the concepts of law involved. I distinctly remember my father saying to him, "I don't have to stay, you are not helping." Sadly, he was not helping and seemed offended that we would even consider leaving. Our attorney at the time was a little shocked but not surprised since after two hours we were still arguing about who could stay in the room. The matter ended up getting resolved in a subsequent attempt at mediation with a different mediator who did have relevant knowledge as a former attorney who had practiced in that area.

Alternate dispute resolution and mediation in Louisville and the surrounding areas have been used in the context of family law for a long time. Most recently, though, it is obvious that all areas of law can benefit from the knowledge and expertise of an unbiased third party acting as mediator.

A good mediator will have the requisite communication skills and the ability to connect with the parties and their counsel. A good mediator will also see when emotions are charged and need to be tamped down. A good mediator also has the ability to analyze the situation, identify the issues and then assist the parties to move forward. It goes without saying that a good mediator must also be a good listener. Several words come to mind when I am thinking about mediators I have worked with: impartial, patient, trustworthy and willing to work hard to resolve the issue. While it is not national mediators' month, if you know a good one, engage them, recommend them to other lawyers and do not hesitate to reach out and ask questions. They may have been in a similar situation before and can provide some insight.

As we touch upon the month of June, it is host to more than 15 different awareness celebrations. The one that likely will get the most attention across the country will be LGBTQ+ Pride Month, but there are several other notable ones which include Men's Health Month, Gun Violence Awareness Month and Immigrant Heritage Month, among others.

I also learned in the course of drafting this article that there are several awareness weeks, which include Pet Appreciation Week. So, if you have a dog, cat or other furry, feathered or scaly loved one, don't forget them. June is also home to National Insect Week (I do not know what to say about that) and Fish are Friends not Food Week.

We also celebrate National Say Something Nice Day (June 1), World Blood Donor Day (June 14), World Crocodile Day (June 17) and World Rainforest Day (June 22). While most of us may not specifically celebrate any of these days, weeks or months, one day that is celebrated in Louisville will be Juneteenth.

Juneteenth commemorates June 19, 1865, the day which marked an effective end of slavery in the United States. On that date, the Emancipation Proclamation was finally enforced in Texas. Texas was the last place in the United States where slavery was officially permitted after the end of the Civil War.

Finally, I would be remiss if I did not acknowledge Father's Day on June 15th. It was celebrated for the first time in Spokane, Washington on June 19, 1910. Inspired by Mother's Day and her own father, a woman named Sonora Smart Dodd is credited with the creation of Father's Day. President Calvin Coolidge urged governments to recognize Father's Day in 1924, and it finally became a holiday in the United States in 1972 when President Richard Nixon signed a proclamation.

What do dads want for Father's Day? Good question. Many dads are happy with just a card in recognition of the day. Others, I am sure, would prefer that children pick up the slack and maybe cut the grass, rake the leaves or just do any other household chore. For many dads, there may be a barbecue in the backyard to recognize Father's Day, or maybe dad gets taken to dinner at his favorite restaurant. Red roses are also sometimes used to commemorate Father's Day. While my father probably would have thought the flowers nice, he would have appreciated and probably preferred a steak dinner a lot more. Happy Father's Day to the dads out there.



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*Maria*  
Maria A. Fernandez  
LBA President