

Legal Connections



POWERED BY THE COLUMBUS BAR ASSOCIATION

OCTOBER 12, 2018

SOLVING DISPUTES THROUGH MEDIATION

There are alternative methods for dealing with major disagreements that don't always need to be brought to the court. Instead, parties can be called to the table for a robust mediation that will, ideally, leave everyone feeling satisfied and heard.

The primary cast of characters for mediation includes the opposing parties and a mediator who serves as the constant neutral. As facilitator, the mediator is a results-driven optimist who doesn't offer opinions about right or wrong, or what the best choices might be. Rather, the mediator guides those present through a process of organized problem solving in search of a parties-created resolution.

Sometimes a mediation expands to include others involved: e.g., children in a custody dispute or union reps in labor or management problems. And sometimes, the party's advocate is at the table.



EDWARD M. KRAUSS
Dispute Resolution Inc.

Mediation is not a legal process, but the parties are still searching for an acceptable, mutually agreed-upon resolution. Mediation is not a zero-sum game. There is not a winner or a loser, but it is hoped that the parties will reach a shared settlement.

When participating in a mediation, what are the most important things to remember? First, the goal of time together is to find a final resolution. Second, only bring those documents you want to show the other parties to make sure there is a mutual understanding. The parties are thoroughly familiar with the situation; only documents that can clarify a point of misunderstanding are of value. Third, understand that mediation is an opportunity to timely and effectively reach both your own and the other parties resolution to a dispute – rather than have one imposed by a court.

When considering mediation, it is important to think in terms of saving time and energy and avoiding an ongoing ulcer. The parties have a family that needs attention, a business to run or career to advance. Mediations can be held a few weeks from the original request so timely resolution can be had. In contrast, attorneys who serve in Franklin County know how long it takes for a case to come to court.

Remember that mediators are there to provide support to the parties and that attorneys may be there to provide legal advice as necessary, but as much as possible the parties should be sharing their own perspective and talking about how they see things. Thoughtful mediation gives power to the parties to come to an enduring solution.

Edward M. Krauss is an associate member of the CBA, a mediator with twenty-one years, over three thousand hours of at-the-table experience. He specializes in financial, economic development and personnel/employment dispute resolution.

"Mediation can often be a less costly and less stressful alternative to litigation. Consult your lawyer about the best options for you."



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EDUCATION & EVENTS

Wednesday, Oct. 17 • 1:30 – 4:45 p.m.
2018 Eastman & Smith Employment Law Update
3.0 CLE Hours

Wednesday, Oct. 17 • 5 – 7 p.m.
Committees & Cocktails
This event is free for Columbus Bar members

Thursday, Oct. 18 • 9 a.m. – 4:15 p.m.
Practice Management: Certified Lean
6.0 CLE Hours (50% savings on CLE pricing!)

Wednesday, Oct. 24 • 12 – 1:30 p.m.
My Story: A Wellness Journey
1.5 Prof. Conduct CLE Hours

Thursday, Oct. 25 • 3:30 – 5 p.m.
Immigration Law 101
1.5 CLE/NLT Hours

Thursday, Oct. 25 • 5 – 7 p.m.
2018 Pro Bono Reception
Join us to honor the winners of the 2018 Pro Bono Awards

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

CBA members have access to a wide range of insurance products through HEMA. Open enrollment begins Nov. 1, so make sure you have the best option for your needs: cbalaw.org/insurance

ADULT GUARDIANSHIP: PROTECTING THE PEOPLE YOU CARE ABOUT

When a person turns 18, in the eyes of the law, they are considered an adult and legally responsible to make decisions for him or herself. If a person is not capable of making decisions or caring for themselves independently, a decision-making framework is necessary to support the individual so that they can live as happily, safely and independently as possible.



LOGAN K. PHILIPPS
Resch, Root & Philipps, LLC

This type of situation often occurs when an individual with disabilities turns 18, or when a senior citizen suffers from dementia or other disabilities related to aging. A common misconception is that guardianship is the only solution when, in fact, a spectrum of alternatives including guardianship exist.

A guardianship is a court-ordered relationship in which one adult is authorized to make decisions for and act on behalf of another adult person.

A guardianship is often established so that either a single parent or parents are authorized to make decisions for and act on behalf of an adult child, or an adult child can make decisions for their aged parent(s). A familial relationship is not a prerequisite for a guardianship; another responsible adult can serve as guardian.

A guardianship removes rights from the ward (the adult for whom the guardianship is established). Certain rights can be maintained, but the ward's ability to act under their own power or make decisions is significantly curtailed. The type and scope of the guardianship

determines what rights and abilities the ward loses.

It's important to determine the advantages and disadvantages of each option when pursuing the establishment of a guardianship. The ideal outcome of guardianship is that it creates security and a strong support system for the ward while also maintaining the ward's dignity and appropriate independence.

FINANCIAL AND VALUATION CONSIDERATIONS IN DIVORCE

Including the Impact of the Tax Cuts and Jobs Act of 2017



NOVEMBER 6 (1:30-4:45pm @ the Columbus Bar Association)

How will the tax law passed in 2017 affect divorces? Learn about key changes to the law regarding alimony, taxes and business valuation. 3.0 CLE hours.

Registration:

www.cbalaw.org

(614) 221-4112