



GREAT LAKES DISPUTE RESOLUTION, LLC

Maritime Mediation and Arbitrations ~ www.GLDR.us

GREAT LAKES DISPUTE RESOLUTION, LLC

★ DOCKS EXPO 2021 ★
Nashville, Tennessee



COST EFFECTIVE DISPUTE RESOLUTION



MEDIATION PROCEDURES

OVERVIEW

- ☆ Our Mediations are initiated by a request to GREAT LAKES DISPUTE RESOLUTION, LLC from the Parties to a dispute, or by court order, and conducted through the exchange of written documents and one or more Mediation Hearing sessions, as the circumstances may require.
- ☆ It is the goal of the Mediation process to reach a settlement of your dispute in as efficient, timely, and confidential manner as possible.



WHY MEDIATION ?

★ *COURT RECORDS* - Demonstrate that upwards of 80% of *ALL CIVIL CASES* filed in court will settle or be dismissed *BEFORE* any judge or jury hears the evidence in trial, because the parties have negotiated a resolution.

“According to the most recently-available statistics, about 95 percent of pending lawsuits end in a pre-trial settlement.”

Source: <https://thelawdictionary.org/article/what-percentage-of-lawsuits-settle-before-trial-what-are-some-statistics-on-personal-injury-settlements/>



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- ★ **PROCEDURALLY** - The litigation process consumes your valuable time and considerable financial resources to get to a point where participants will engage in negotiation and, statistically, settle. Mediation initiates the settlement process early, with great potential of saving time and money.

Prudent business owner will consider the cost of litigation not only in out-of-pocket expenses for lawyers, court costs, and the like, but also intangible costs such as the distraction from other work.



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- ★ **QUALITATIVELY** - Mediation has the potential of protecting valuable client relationships.

Even small disputes often create permanent barriers between the Marina and the customer.



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- ★ **PRESERVATION OF RIGHTS** - If Mediation fails, your right to litigate remains.



MEDIATION PROCEDURES

STARTING THE MEDIATION PROCESS

★ Following the request of the Parties to a dispute to conduct a Mediation, or a court order appointing GREAT LAKES DISPUTE RESOLUTION, LLC [GLDR], an *INFORMATIONAL PACKAGE* will be sent to each Party, or through its representative.

*The **INFORMATIONAL PACKAGE** outlines the procedures to be followed in the Mediation*



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- ★ The Informational Package will include an *AGREEMENT TO MEDIATE* which outlines the terms and conditions under which GLDR will conduct the Mediation and which will require the signature of all participants and its return to GLDR.

The *AGREEMENT TO MEDIATE* is the contract between the Mediator and the Parties and covers such matters as stating each Party's willingness to mediate in good faith, confidentiality, fees and costs, scheduling, and the like.



MEDIATION PROCEDURES

SCHEDULING

- ★ After the *AGREEMENT TO MEDIATE* is returned with the required deposits to GLDR by all of the Parties, a schedule can be created.
- ★ A Mediation Schedule will be established by the agreement of the Parties or by the Court's order where applicable.
- ★ Typically, scheduling will include dates for filing with the Mediator:
 - The *CONFIDENTIAL MEDIATION QUESTIONNAIRE*
 - *MEDIATION SUMMARIES* with *Exhibits* if you chose to submit them.

and a date and time for the first day of the Mediation Hearing.



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- ★ Also included will be a *CONFIDENTIAL MEDIATION QUESTIONNAIRE* which is a document intended to inform GLDR of any private concerns and issues a Party might have entering the Mediation.

Helps guide the Mediator in determining the issues before and other practical issues such as obtaining the names of involved persons, location, scheduling, etc.



MEDIATION PROCEDURES

THE MEDIATION HEARING

- ★ The Parties attend the Mediation Hearing and may be together or separated at the request of the Parties or in the discretion of the Mediator.
- ★ The issues involved in the dispute are discussed, often following a “Opening Statement” by each Party.
- ★ The identified issues are discussed.
- ★ Often parties meet with the Mediator in Private Session – a sort of ‘meeting within a meeting’ – to discuss, confidentially, such things as negotiating positions, suggested offers and demands, and to candidly discuss with the Mediator possible ways to craft a resolution agreeable to all.
- ★ If an agreement is reached a written, binding Settlement Agreement is drafted and signed by all involved persons.



MEDIATION PROCEDURES

CONFIDENTIALITY

- ★ One of the principal features of Mediation is that of CONFIDENTIALITY.
- ★ Information received by the Mediator, except where explicitly designed to be shared with another Party, will be kept confidential until or unless it is authorized to be shared.
- ★ Mediation is confidential in all aspects, but the Parties are encouraged to advise the Mediator whenever information is permissible to be shared with another Party.



MEDIATION PROCEDURES

VIRTUAL HEARINGS

- ☆ GREAT LAKES DISPUTE RESOLUTION, LLC is well equipped to conduct Mediations Hearings through the use of electronic media.
- ☆ The selected method for virtual meetings is through the ZOOM meeting platform, and instructions on how to employ that medium are available.
- ☆ Our Mediator has conducted many online ZOOM Mediations with notable success.



MEDIATION PROCEDURES

FEES and COSTS

- ★ The *AGREEMENT TO MEDIATE* outlines the fees and costs which will be charged by GLDR.
- ★ An hourly rate is charged for services, and out-of-pocket costs, such as travel expenses, are additional.
- ★ Fees and costs are typically divided among the Parties equally.
- ★ A fully refundable deposit will be charged in advance of Mediation to secure a spot on our calendar, and it is payable with the return of the *AGREEMENT TO MEDIATE*. Additional funds are billed as they are incurred.



MEDIATION CHECKLIST

- Request Hearing – Contact GREAT LAKES DISPUTE RESOLUTION, LLC by email at Info@GLDR.us or by telephone to (231) 526-6800
- Receive *INFORMATIONAL PACKAGE* from GLDR.
- Read, Review, Sign, and Return *AGREEMENT TO MEDIATE* and *CONFIDENTIAL MEDIATION QUESTIONNAIRE* to GLDR with Deposit.
- Receive *Scheduling Memorandum* from GLDR after all Parties have responded.
- Prepare and Submit *MEDIATION SUMMARY* to GLDR, if desired.
- Prepare for Hearing. Ask for our *MEDIATION PREPARATION TIPS*, if desired.
- Conduct Hearing.



MEDIATION PROCEDURES

QUESTIONS

Please call us with any question you might have concerning our policies, procedures, fees, or any other issue, and thank you for considering GREAT LAKES DISPUTE RESOLUTION, LLC.

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Info@GLDR.us

(231) 526-6800



ABOUT THE SPEAKER

LEE KRAMER

- ☆ Is a Mediator and Arbitrator located in Harbor Springs, Michigan who has practiced Maritime Law for forty years throughout the Great Lakes and Great Rivers Region of the United States and who has represented marina, recreational and commercial vessel owners, surveyors, salvors, and marine bankers and insurers among other marine industry interests and conducted online and in person mediations for upwards of ten years.
- ☆ He was president of the West Michigan Marine Association, an organization of marina operators, marine insurers, bankers, surveyors.
- ☆ He earned the designation *Proctor in Admiralty* from The Maritime Law Association of the United States.
- ☆ He is licensed to practice law in Michigan and Wisconsin (active *emeritus*) and is admitted to the U.S. District Courts in Michigan, Wisconsin, Illinois, and Ohio, and the United States Courts of Appeals for the Sixth, Seventh, and Ninth Circuits.



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