



**SSAM™**

Settlement Services, Arbitration and Mediation

# The Modern Mindset OF COMMERCIAL MEDIATION

April 19, 2022

Essential  
ADR  
Strategies  
From...

**What is the  
Essence of  
Mediation?**

...SSAM's  
Commercial  
Mediators



**ALAN HOWARD, ESQ**  
SSAM ADR Commercial Mediator  
Partner | Perkins Coie, LLP

"Mediation is a process of negotiation in which the parties control the outcome. This is why it so crucial to make clients aware of the mediation-option so that even for a dispute which has already advanced to litigation or arbitration, the possibility of the parties regaining control remains. It is also incumbent upon mediators to respect the parties' desire to retain control and help the parties reach a resolution without dominating the process or pushing any parties where they are not prepared to go. In this regard, mediators are like the litigators themselves, providing their expertise and counsel, but ultimately working for the parties albeit collectively as opposed to individually."

**WILLIAM H. GRONER, ESQ**  
Founder, Chief Executive Officer  
SSAM ADR



"I see mediation as a series of related and cumulative opportunities. The opportunity to express grievances against another party in a forum and format that validates the positions and therefore fosters communication with the other side. The opportunity to better understand an adversary's positions in a non-adverse forum. The opportunity to lower the toxic temperature of adversity. And then critically, the opportunity to leverage the combined effects of these benefits and have one trained in the art form of mediation to foster compromise and hopefully, resolution."



**MICHAEL STARR, ESQ**  
SSAM ADR Commercial Mediator  
CEO, Michael Starr Mediation Services

"At its core, mediation is facilitated negotiation. Contrary to what many lawyers think, the job of the mediator is not to "beat up" on the other side until they are prepared to accept a reasonable settlement. (My father used to have a plaque on his office desk that read, "Be reasonable. Do it my way.") The job of the mediator is to help you formulate what you have to say in a way the other side is more likely to hear, to let you know how the other side is reacting to information you think is "uncontestable" and they are unmoved by, to help you see what is standing in the way of settlement on their side (and yours) and, at its best, to help parties see that they have needs and interests collateral to the litigation that are better served by agreement, than by winning a lawsuit."



Alan Howard, William H. Groner and Michael Starr are members of SSAM's Commercial Mediation Panel.

As practitioners of law at the highest level, SSAM'S COMMERCIAL MEDIATION panel brings a unique currency and state-of-the-art strategies and solutions, to complex commercial dispute resolution. This modern perspective of commercial mediation is informed by the demands, priorities, risks and cross-discipline complexities facing today's C-suites and corporate boardrooms.

**To work with the SSAM Commercial Mediation Team, please contact SSAM COO Lee Rosenbaum at [leer@ssamadr.com](mailto:leer@ssamadr.com)**

