



Core Dinner: A Conversation with Tom Stipanowich

At our last dinner, Tom Stipanovich, the CEO of the CPR Institute in New York, took part in a conversation with John Sturrock. Tom is one of the most distinguished and influential policy makers in the mediation world and Core was delighted to welcome him to such a successful and enjoyable event. Here are some highlights:

- Why Mediation?

It is the most flexible and worthwhile process I have seen. It has huge application.

- What have been the key factors in acceptance of mediation in the US?

The influence of the Courts from highest to the lowest; judges have been at the forefront. Other institutions have helped promote mediation. Gradually the focus of companies has moved to mediation. The education system has helped hugely.

- How have the lawyers reacted to mediation in the US?

A huge range of reactions. A large minority have embraced the concept. Their acceptance of mediation has changed legal practice. Large majorities recognise its benefits.

Small minority have responded defensively but many recognise that mediation can enhance your business. There is concern in the US about "the vanishing trial"; these issues are being extensively debated in the US at the moment.

- What are the areas for growth in the US?

Domestic mediation was the first field, then the construction industry. IP is the real growth area at the core of corporate issues. This area is crying out for meditation, risks and costs etc are so high. Companies are looking for a shortcut to avoid litigation. In the last three to four years, we have seen a real shift in culture.



- In the next three to four years what will be the trends in dispute resolution?

The traditional growth curve could be much more rapid in the UK than in the US. Hopefully we can change the culture of confrontation in the management of disputes in all areas of society, and introduce real conflict resolution systems.

However, mediation is becoming more legalised. This is a reflection of the growth of mediation and increased use of mediation in contracts.

- What about accreditation?

There are no over-arching quality standards in the US. There are lots of different institutions offering accreditation. In the Netherlands, they have tried to create a national umbrella.

- What would you say to those who are unsure of mediation?

“In my experience it is not a panacea. It is only the very best process involving third party intervention we have developed which addresses the very broad issues we have to deal with in disputes.

Among the tools in our tool box, there are few things that provide more enrichment to an individual than mediation.”

Always look to define a problem expansively. At its best, mediation can include a wide range of elements, including the commercial and the relational. No one size fits all.

- How should a young mediator get some experience?

You need some creativity; you need to have your eyes wide open to where you can hone your skills. You need to look for different opportunities to use your skills. There is always room for good people.