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Q: When did you first take an interest in alternative dispute resolution and what prompted such interest?

A: My first assignment as a litigation associate was to a significant international arbitration. I worked on a matter from the development of an ad-hoc arbitration agreement through hearing and award. I have been interested in exploring ways of resolving disputes that made the most sense for the parties ever since and have a good understanding of the full spectrum of dispute resolution techniques. I really believe in ADR—as both a litigator and inside counsel for global corporations in the U.S. and abroad for over 20 years, I have seen first hand the harm produced by inappropriate conflict escalation and what well-designed internal conflict management systems and well-run mediations and arbitrations can do to get companies back to business. Disputes in business or any relationship are quite normal and need to be planned for and managed up front.

Q: What past professional and/or personal experiences have you had that have contributed to your growth as an arbitrator?

A: After my career start as an outside counsel litigator, I was inside corporations for years on the front lines as a strategic legal business, regulatory, transactional, and compliance problem solver. I have had direct experience with numerous general corporate legal issues, complex commercial transactions, litigation management, internal and external policy development and significant specific experience in the life sciences and healthcare. I think that those of us with this type of diverse, hands-on experience can effectively and creatively mediate and arbitrate business-to-business disputes—in effect, it is what good senior executive and general counsels do every day. We have "been there" and business people find that our experience adds credibility and value.

I have also lived abroad and done things other than being a lawyer and alternative dispute resolution practitioner. This has provided me with a diversity of experience on a different level and has given me an understanding of cultural and economic perspectives different from mine.

Q: How do you manage an arbitration case?

A: Those of us in the ADR world are quite familiar with the doubts about arbitration among some potential users, and I myself spent quite a bit of time crossing out arbitration clauses in domestic contracts as inside counsel early on in my career. The fact is, though, that a tremendous amount of thought has gone into arbitration reforms both at the contract negotiation stage and the

process stage, and the tools exist to give parties the cost-effective and efficient arbitration process that they want. Everyone needs to step up to the plate, though: inside counsel need to take an active role in managing the case to meet the needs and expectations of the business; outside counsel need to learn how to advocate effectively in an arbitration setting in a manner that does not resemble full-scale litigation; and arbitrators need to develop a thorough understanding of the matter early on and assist the parties in managing the case to strict timelines. (The College of Commercial Arbitrators has a terrific summary of the arguments and potential solutions in their *2010 Protocols for Cost-Effective and Expeditious Commercial Arbitration*, and the new *AAA Commercial Arbitration Rules* provide a flexible platform for these ideas.)

I take an active role in deeply understanding a case and managing the process, working with the parties to ensure that any motion practice and discovery—two of the big time sinks in litigation—are appropriately controlled given the nature of the issues and ensuring that timelines are met. The most important point in just about any arbitration is a comprehensive preliminary hearing that sets the schedule and procedure for the entire matter—the new AAA rules have an excellent point-by-point issues list. I request that the business people and/or inside counsel be present so that they understand and agree to how the process will be managed. I also—and the new AAA rules provide for this—try to encourage mediation from the start. The vast majority of cases settle, and I know first hand that it is in the parties' best interests to use every tool they can to make this happen sooner rather than later.

Q: What advice would you give new arbitrators starting off and breaking into the profession?

A: When you are starting out, don't try to be all things to all disputes. My website (www.connaweineradr.com) outlines the breadth of my experience but also drills down into more specifics under an "expertise" tab to help ensure that my name comes up in the right searches. Many parties value the substantive expertise that a hand-selected arbitrator(s) can provide. Carefully assess your experience, attend meetings of lawyers and business people in your industry and network with people in those arenas. Be patient and persistent.

Understand why some potential users are concerned about arbitration and be ready to address credibly those concerns based upon your experience. Read the new AAA rules carefully, the latest (third) edition of *Best Practices in Commercial Arbitration* published by the College of Commercial Arbitrators and their *2010 Commercial Arbitration Protocols*, cited above.

Q: What do you foresee for the future of ADR—say, in the next 10 years?

A: I think that more courts and parties will adopt mediation as a matter of course as the first step for disputes. Corporations will strengthen and systematize their internal dispute management functions and take advantage of arbitration reforms. And a new generation of arbitrators well-versed in those tools will increase the appeal of the arbitration process among skeptics.

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