

BIBLIOGRAPHY FOR GUIDED CHOICE MEDIATION

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Claxton, James. [Mediators Like Online Mediation And Other Verifiable Facts](#). Kluwer Mediation Blog. May., 2021.

Claxton, James. [The Latent Blossoming Of Remote Mediation](#). Kluwer Mediation Blog. Dec., 2020.

Douglass, Julia and Dean Thomson. "[Guiding Mediation To Meet Demand](#)". American Bar Association Forum on Construction Law. May 2022.

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Ireland, Faith. "[Logic, Emotions and Values: 40 Years of Negotiation Style and Decision Theory](#)". JAMS Adr Insights. Sept 1st, 2022. Accessed Oct 23rd 2022.

Kaster, Laura A/ & Leech, Michael Leech. [Creating Client Value by Getting the Earliest Possible Settlements](#). Corporate Disputes Magazine, July-September 2015. pp 144-148.

The interest in Guided Choice among business users continues to increase. This article, which explains the popularity, was just published by Corporate Dispute Magazine as written by Laura Kaster,

formerly a Jenner & Block partner and in-house counsel for AT&T and by Michael Leech, formerly a partner at Hinshaw & Culbertson and immediate past president of the Association of Attorney Mediators. The article starts on pg. 44.

Kingsley, Patrick. "[Clients Want Lawyers Who Know How to Settle Disputes Early: Thoughts on Guided Choice Mediation.](#)" Stradley Ronon. Oct. 28th, 2019.

Most commercial disputes will be settled and not tried. Expert expense and internal distraction increase in direct proportion to the time spent litigating prior to settlement. Clients are asking "Why can't the dispute be resolved earlier to reduce the process expense and business disruption?" But one party's counsel has a limited ability to make it happen sooner.

Lande, John. "[Paul M. Lurie on Guided Mediation](#)". *Indisputably*. April 14th, 2021.

Lande, John, Real Mediation Systems to Help Parties and Mediators Achieve Their Goals (December 19, 2022). 24 *Cardozo Journal of Conflict Resolution* (forthcoming 2023), University of Missouri School of Law Legal Studies Research Paper No. 2022-14, Available at SSRN: <https://ssrn.com/abstract=4306612>

This article describes the Real Mediation Systems Project, which is intended to provide a more realistic portrayal of how mediators actually think and act and to illustrate benefits of using a DSD paradigm. The article analyzes detailed descriptions of actual mediation systems of ten mediators. The mediators described their personal histories, values, goals, motivations, knowledge, and skills as

well as the parties and the cases in their mediations. They developed categories of cases, parties, and behavior patterns that led them to design routine procedures and strategies for dealing with recurring challenges. Their accounts describe how they reflected on their experiences and evolved their techniques accordingly.

Mediators and advocates in mediation can use the Real Mediation Systems Project's framework to become more conscious of how they think and why they act as they do in mediation. Faculty, trainers, and program administrators can use this framework to help students and mediators become more aware of their ideas and actions related to mediation. The dispute resolution field can undertake an initiative to develop a fairly concise lexicon of recommended dispute resolution language that everyone can understand. Empirical researchers can use this framework to better understand how various populations of mediators conceive of their work – and also operate unconsciously “on automatic.” Theorists can use this research to develop empirically-grounded generalizations.

Love, Lela P., and Stipanowich, Thomas, Dear 1L: Five Guideposts for Your Future Professional Practice (2021). 22 *Cardozo J. Conflict Resol.* 529 (2021), Pepperdine University Legal Studies Research Paper No. 2021/12, Cardozo Legal Studies Research Paper No. 654, Available at SSRN: <https://ssrn.com/abstract=3889873>

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Paul M. Lurie, "[Using the Guided Choice Process to Reduce the Cost of Resolving Disputes](#)." 32 Alternatives 104 (July/August 2014).

Lurie, Paul. " Guided Choice Arbitration Dispute Resolution: Real Time Customization of the Settlement Process to Fit the Dispute," [Mediation and Arbitration in Real Estate and Construction Disputes](#). Strafford Seminars, April 6, 2011.

Lurie, Paul and Press, Sharon ["On Professional Practice: The Lawyer's Obligation to Advise Clients of Dispute Settlement Options"](#). American Bar Association, Vol. 20, No. 4, Summer 2014.

Lurie, Paul, M., Baker, Jeremy, Bowman, Diana, Rieck, Alexandra, "[Guided Choice Procedures for Mediation](#)". Lorman Education Services, Sept 2015.

Lurie, Paul and Becker, Mark. "[How You Can Use Guided Choice to Satisfy Clients Using Both Arbitration and Mediators](#)". Originally published by the American Bar Association, Dispute Resolution Section, Just Resolutions Blog, May 2018.

Lurie, Paul, "[The Guided Choice Dispute Resolution System](#)". Construction ADR Book. Jan. 2nd, 2014.

Lurie, Paul , [Using the Guided Choice Process to Reduce the Cost of Resolving Construction Disputes](#)", Construction Law International. Volume 9, Issue 1, March 2014.

Lurie, Paul and Lack, Jeremy , "[Guided Choice Dispute Resolution Processes: Reducing the Time and Expense to Settlement](#)" Dispute Resolution International. Vo.1 8, No. 2. October 2014.

Lurie, Paul and Lack, Jeremy, [“Guided Choice Dispute Resolution Processes: Reducing the Time and Expense to Settlement”](#)
Transnational Dispute Management. Vol. 11, No. 6., December 2014

Lurie, Paul and Lack, Jeremy, [“The Seven Principles of Guided Choice Dispute Resolution Processes”](#). Who’s Who Legal, Aug 2014.

Lurie, Paul, and Mark Becker, Dean Thomson, William Geisen. [“How Guiding Mediators Can Help You Get Earlier Settlements and Reduce Legal Expense”](#). May 2019.

Overcash, Allen [“Introducing A Novel ADR Technique for Handling Construction Disputes: Arbitration”](#). The Construction Lawyer, Vol. 35, No. 1, Winter 2015 by The American Bar Association.

Rachlinski, Jeffery and Andrew Wistrich, [“How Lawyers’ Intuitions Prolong Litigation,”](#) Cornell Law Faculty Publications, March 2013. Paper 602.

“There are, however, ways mediators can empower parties to come to grips with these realities. As process facilitators, mediators may help parties appreciate the influence of cognitive factors on negotiations using approaches such as Guided Choice. 186 They may also facilitate parties’ focus on key factual issues and focused information exchange, 187 or targeted binding or nonbinding decisions by judges or arbitrators that could lay the groundwork for resolution of conflict (188). Even where substantive issues cannot be resolved in mediation, mediators may nevertheless focus on facilitating agreements regarding dispute resolution process elements and helping parties to set the stage for arbitration proceedings with features that are

effectively tailored to the issues at hand (189)” (references are to footnotes in the article)

Stark, Sheldon. “[Crafting an Effective Mediation Summary: Tips for Written Mediation Advocacy](#)”. Feb 11th, 2014.

Stipanowich, Thomas J. and Veronique Fraser. “[The International Task Force on Mixed Mode Dispute Resolution: Exploring the Interplay between Mediation, Evaluation and Arbitration in Commercial Cases,](#)” Fordham International Law Journal, Forthcoming; Pepperdine University Legal Studies Research Paper No. 2017/4.

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