

George Breen Quoted in "There's No Crying in Mediation"

Healthcare Risk Management

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George B. Breen, Member of the Firm in the Health Care & Life Sciences and Litigation practices and Chair of the firm's National Health Care & Life Sciences Practice Steering Committee, in the firm's Washington, DC, office, was quoted in *Healthcare Risk Management*, in "There's No Crying in Mediation."

Following is an excerpt:

The movie *A League of Their Own* is known for the line "There's no crying in baseball!"

The same rule applies in mediation, says George B. Breen, JD, an attorney with the law firm of Epstein Becker Green in New York City.

"Emotion offers little value. Parties need to be prepared to be clear-eyed and realistic in the merits of their own case, as well as that of their opponent. While the issue may be exceedingly personal to one party — something the other party should recognize — sensitivity needs be checked at the mediation room door," Breen says. "Parties must be ready to listen to information they do not like, even that which can be demonstrably wrong, and still be able to continue to proceed in a businesslike fashion. Arguing about who is right only serves to waste time and distances the parties from a resolution."

Emotion should be saved for the courtroom, Breen says, where its best use is on the finder of fact.

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The parties must recognize that mediation is a process, he says. It can take time, and even multiple sessions, to resolve disputes. Parties sometimes need the opportunity to re-evaluate positions and time for needed reflection and reassessment, Breen says.

"However, the need for patience is not limited to parties; it is a critically important characteristic for a mediator," he says. "Well-experienced mediators know that initial positions are not final and that to get there can take time. A guiding and patient hand from a mediator can be invaluable."