Managing Business Disputes

The phone rang, and the caller said: "My partner and I have been in business for four years, and I am pouring my heart and soul into making it a success, almost 24 hours a day. She, on the other hand, doesn't work nearly as hard, can't supervise any employees without making them either angry or tearful, spends too much money, and then announces she wants more money. I'm going out of my mind. What do I do?"

I'm getting more and more of this kind of inquiry these days. Frequently, leaders in businesses of all sizes find that over time, their goals, strategies, priorities and work styles begin to differ from those of their partners or other company executives. This can lead to resentment, destruction of working relationships, loss of longstanding

Rande Sotomayor Selected as Judge and Mediator for International Commercial Mediation Competition in Paris

The 11th International Chamber of Commerce International Commercial Mediation Competition will take place in February 2016 in Paris.

Approximately 120 top commercial mediators and academics from more than 40 countries will meet for the ICC’s International Mediation Round Table as well as the 6-day Competition to discuss new developments in mediation, exchange best practices and experiences, and foster development of an international network of mediators.

Teams of law and business students from 66 universities from around the world will test their problem-solving and advocacy skills in
friendships, and even abandonment of a profitable business.

Conflict has a high monetary cost in the workplace. A global report entitled Workplace Conflict and How Businesses Can Harness It to Thrive found that "U.S. employees spend 2.8 hours per week dealing with conflict, equating to approximately $359 billion in paid hours in 2008." The same report revealed that 70% of employees see managing conflict as a "very" or "critically" important leadership skill, and 54% think managers could better handle disputes by addressing underlying tensions before things go wrong.

Read more

"You can't shake hands with a clenched fist." - Indira Gandhi

approximately 200 mock international mediation sessions.

This world-renowned event has been recognized for its ability to train students to better meet the dispute resolution needs of today's cross-cultural global market. These young professionals will be prepared to serve businesses in their quest to quickly reduce or eliminate costly conflicts and litigation.

Federal Case Dismissed for Failing to Comply with Contractual Pre-Filing ADR Requirement

In a case involving an insurer's dispute of coverage to pay the settlement of a data breach class action, Columbia Casualty Co. v. Cottage Health System, cv 15-03432 DDP (AGRx) (C.D. Cal. 2015), Judge Dean D. Pregerson of the U.S. District Court for the Central District of California granted a Rule 12(b)(6) motion to dismiss for the plaintiff insurer's failure to comply with the insurance policy's pre-filing ADR requirement.

At issue was the provision that stated "[a]ll disputes and differences between the Insured and the Insurer which may arise under or in connection with this policy . . . shall be submitted to the alternative dispute resolution ("ADR") process." If mediation were the selected process, "no . . . judicial proceeding shall be commenced until the mediation shall have been terminated and at least 60 days shall have elapsed from the date of the termination."

Read more
Rande S. Sotomayor, Esq. is a mediator, conflict management consultant, and arbitrator with over 30 years of civil litigation, business, and dispute resolution experience throughout California. She is well known for her common-sense and cost-conscious approach to assisting parties and counsel resolve their disputes, especially before or during the early stages of litigation.