

In addition to providing socially-distant arbitration and mediation hearings, we also offer fully virtual hearings and hybrid hearings with some parties meeting in person and others via video conference. Click [HERE](#) to request more information.

WE HAVE MOVED!
1800 J.F.K. Boulevard
Suite 1110
Philadelphia, PA 19103

We look forward to seeing you soon!

Who's your Huckleberry?



In the movie *Tombstone*, Doc Holliday steps from the shadows and intones, "I'll be your Huckleberry." Now, a seldom heard idiom, "I'm your Huckleberry" means "I am the person you are looking for. I am the person for the job." Doc Holliday, expert gun fighter, was truly the person for the job as evidenced by the soon departed dastardly Johnny Ringo.

The mediation room is crowded with expert gun fighters, now known in polite society as trial lawyers. These lawyers are experts in the subject matter in dispute. By reputation, proclamation, or dint of strategic imagination, they know the field and they know the case. In choosing a mediator the question is, do you need an expert in the subject matter as your mediator – another gunfighter? Who is your Huckleberry?

It depends on whether you need someone steeped in the science and law of the case, or someone attuned generally to the way jurors may see and value the case. Do you want someone to facilitate settlement or test the parties' understanding of the science and law? Do you need a mediator who is both?

Much is written and nothing known about whether using a mediator expert in the subject matter results in more or fewer settlements. There is no empirical evidence on either side of the debate. Since most mediators are chosen on anecdotal evidence, that is prior good experience or a recommendation from respected colleagues, perhaps it doesn't matter. What does matter is your expectation of the mediator's role during the process.

A mediator expert in the subject matter allows for short-hand conversations about the merits of the case. That certainly has value! **A mediator with less experience in the field is certainly capable of learning quickly. The facts can be learned from skilled lawyers presenting their best evidence and arguments in papers and discussion. A question for the lawyers: If the mediator fails to grasp your case and its merits, how will a jury?**

In personal injury litigation the "injury" can arise from a host of circumstances: product defect, construction defect, birth trauma, medical malpractice, slip and falls, or acts of assorted

negligence. Without doubt all have their peculiar science and legal niceties. Yet what separates the causes of action is not greater than that which joins them. Each involves an injured party, each a dispute over responsibility, and each differing views of value. These core commonalities allow mediators to aid in resolution despite not being as steeped in the particular subject matter as are the gunfighters at the table.

Choose and use your “Huckleberry” to help effectuate a fair and sensible resolution. If it cannot be had, then gunfighters and trial lawyers do what they do – go to the end. Hopefully for your client, after the verdict, they walk away as did Doc Holliday. **The risk of trial as opposed to mediation: someone will be Johnny Ringo, who did not live to fight another day.**

To schedule a mediation or arbitration with Ed Gray or any of our neutrals, please email mcarney@adoptions.com or click below:

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