

George Breen Quoted in "Mediation Can Resolve Disputes Faster, at Less Cost Than Litigation"

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 "Mediation Can Resolve Disputes Faster, at Less Cost Than Litigation."

Following is an excerpt:

Mediation is an effective strategy for resolving a range of disputes in healthcare, but success with this approach depends on understanding the process and selecting the right mediator. When carried out well, mediation can leave all parties more satisfied than they would have been with other resolutions.

Achieving good results from mediation depends largely on the preparation and attitude of the participants, says George B. Breen, JD, an attorney with the law firm of Epstein Becker Green in New York City. He has experience both as an attorney on behalf of a party participating in a mediation and as a mediator, principally dealing with healthcare issues.

"While mediations are often imposed on parties in litigation by court order, successful mediations are ones where parties have had the opportunity to evaluate their own positions and those of their adversary, and are willing, interested, and committed to participating in the process and in reaching a resolution," Breen says. "Preparation is key both in ensuring that your client has expectations reasonably set [and] that the lawyer as advocate

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has a mastery of the facts.”

That means the lawyer needs to play “devil’s advocate” in advance of the session, Breen says, anticipating the positions to which a response may be needed and being ready with that response. Without that kind of preparation, client representatives may just be going through the motions, and the mediation will be unsuccessful.

“Similarly, there is a real need to try to make sure your mediator is as prepared as possible. A mediator prepared with a strong knowledge base in advance of a mediation can make a world of difference in the ultimate outcome,” Breen says.