

Jerome F. Weiss
MEDIATIONINC
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SIGNIFICANT PROFESSIONAL EXPERIENCE RE: ADR PRACTICE

2000-present: President, Mediation Inc, Cleveland, Ohio

Mediation related resources and services to individuals and institutions are the primary focus of Mediation Inc. Involved in ADR in a wide variety of disputes including employment, commercial, wage and hour, medical malpractice, wrongful death, legal and other professional malpractice, catastrophic injury and tort, securities and securities fraud-related issues, employment and commercial.

1975-1999: Law practice, Cleveland, Ohio

Practice was general with specific emphasis on litigation. Experience with simple and complex litigation and problems. Have practiced outside of Ohio on several cases by special motion including practice in state courts in Pennsylvania, and in federal courts for the District of Massachusetts and the U.S. Virgin Islands.

Federal practice included representation of criminal defendants in RICO proceedings and government contract fraud; civil plaintiffs in RICO/fraud litigation; general business litigation; anti-trust plaintiff litigation; civil rights litigation for plaintiffs; representation of union employees in duty of fair representation cases; representation in commodities fraud litigation; multi district litigation; and other complex litigation. Represented litigants ranging from individuals to corporations.

2013-present Adjunct Professor of Law, Case Western Reserve University School of Law

Seminar: "Mediation Representation: Theory, Principle & Practice"

1982-1991: Case Western Reserve University School of Law, Adjunct Faculty

Taught and helped develop skills courses on legal counseling, negotiation, mediation and ADR.

1990-present: Early Neutral Evaluation (ENE) and ADR Panel

Appointed by the United States District Court for the Northern District of Ohio to be on the original Federal Court panel of alternative dispute resolution neutrals for the Northern District of Ohio.

1971-1975: Research and Management of Pilot Programs for U.S. Department of Justice, Law Enforcement Assistance Administration and Case Western Reserve University School Law; and Case Western Reserve University School of Law , Center for Criminal Justice, Cleveland, Ohio

Managed a nationwide pilot project headed by Professor Lewis Katz of Case Western Reserve University School of Law which examined and eliminated pretrial delay in Courts of general jurisdiction -- the first project of its kind in the country. The recommendations from this project were later used throughout the country for the early intervention and elimination of case docket load in judicial systems. Also contributed to the ultimate written work in this project which led to a study and literature which is still utilized.

PROFESSIONAL ACTIVITIES

Life Member of the Judicial Conference of the Eighth Judicial District.

American Bar Association (Alternative Dispute Resolution Section)

Ohio State Bar Association

Federal Panel of the U.S. District Court Northern District of Ohio (of Mediators and Evaluators)

Cleveland Metropolitan Bar Association (formerly Cleveland Bar Association)

Criminal Law Committee Chair, 1982-1983

Grievance Committee Chair, 1987-1988

Board of Trustees, 1990-1994

Judicial Selection Committee

Alternative Dispute Resolution Committee

Vice Chair, 2004-2005

Chair 2005-2006

ACR - Association for Conflict Resolution (formerly SPIDR - Society of Professionals in Dispute Resolution), 2002-present

Distinguished Fellow, International Academy of Mediators (IAM), 2006-present
(The only mediator in Northeast Ohio inducted as a Distinguished Fellow.)

MANO - Mediation Association of Northeast Ohio, 2002-present

Ohio Mediation Association, 2007-present

National Institute for Trial Advocacy -- faculty and featured presenter for several intermediate and advanced skills courses.

Master of the Bench, Cleveland Employment American Inn of Court, 2014

PROFESSIONAL RATINGS

Martindale Hubbell AV rating for approximately 30 years

Best Lawyers in America®, current edition for ADR

Ohio Super Lawyers®, current edition for ADR

U.S. News-Best Lawyers Best Law Firms, Tier 1 in ADR, 2010 Inaugural Edition

Best Lawyers' 2018 Cleveland Mediation "Lawyer of the Year"

U.S. News-Best Lawyers Best Law Firms, Tier 1 in Mediation, current edition

EDUCATION

Syracuse University, degree: BA

Case Western Reserve University School of Law, degree: JD

BAR ADMISSIONS:

Ohio Supreme Court; United States District Court for the Northern District of Ohio; United States Court of Appeals Sixth Circuit; United States Supreme Court

Special Admissions - United States District Court District of Massachusetts; United States District Court Virgin Islands; Pennsylvania Superior Court; and Pennsylvania Court of Common Pleas

WRITINGS REGARDING MEDIATION, NEGOTIATION AND SETTLEMENT

"The Decline in Dialogue: The Rise of Caucus-Only Mediation and the Disappearance of the Joint Session", 39 Alternatives 89 Vol. 39 No. 6 (June 2021)

"The Effective Use of Financial Experts in Mediation", Cleveland Metropolitan Bar Journal (July/August 2020)

"When It's Not Just About the Money", Alternatives Vol. 35 No. 9 (October 2017)

“Reflection on a Recent Mediation: Listening”, February 23, 2016

“Transformative Mediation -- Can You Find Heart and Soul (and Adventure) in an Increasingly Numerical World?”, Journal of Comparative Law of the Pacific/Law Faculty Victoria University of Wellington, New Zealand (Volume 22, 2016 (2016) 22 LJP/JDCP

“Avoiding the Slow March to the Middle”, Cleveland Metropolitan Bar Journal (August 2013) and Mediate.com (August 2013)

“Mediation Pointers from a Distinguished Neutral”, Cleveland Metropolitan Bar Journal (July/August 2012)

“Secrets for Settlement – How to Succeed in Mediation”, Cleveland Metropolitan Bar Journal (March 2012) and Mediate.com (March 2012)

“Don’t Be So Square”, Mediate.com (December, 2009) and Cleveland Metropolitan Bar Journal (January, 2010)

“Tipping Points in Mediation: Critical Thresholds in the Process”, Cleveland Bar Journal (May, 2007) and Mediate.com (May, 2007)

“Mediation to Raise the Spirit”, Mediate.com (March 2006)

“Apology: Its Power and Impact in Mediated Resolution”, Cleveland Bar Journal (December 2005)

“Apology: The Post-Debate View”, Mediate.com (November 2005)

“You Never Can Tell”, Cleveland Bar Journal and Mediate.com (October 2005)

“Mediation Myths”, Cleveland Bar Journal (June 2004)

“Slow Down, You Move Too Fast.... – A Helpful Mediation Hint”, Cleveland Bar Journal (February 2003)

“Timing and Its Impact on Mediation”, Ohio Lawyers Weekly (July 30, 2001)

“Becoming More Effective As Mediation Counsel”, Ohio Lawyers Weekly (April 23, 2001)

“Mediation, The Basics, Part II”, Cuyahoga County Bar Association Law & Fact (January/February 2001)

“Mediation, The Basics, Part I”, Cuyahoga County Bar Association *Law & Fact* (November/December 2000)

“Issues to Consider When Selecting a Mediator”, Cleveland Bar Journal (July/August 2000)

LECTURES AND PRESENTATIONS REGARDING MEDIATION, NEGOTIATION AND SETTLEMENT

Co-Presenter with Ann-Marie Ahern, Esq., McCarthy Lebit; and Daniel Petrov, Esq., Thorman Petrov Group, "**Mediation Advocacy and Practice: Building Trust as a Key to Resolution**"; OSBA Advanced Employment Law Live CLE Seminar; May 15, 2020, Cleveland, OH

Survey Co-Author and Presenter, "**Survey on the Use of the Joint Session and Caucus**"; International Academy of Mediators Fall Conference; November 7, 2019, Scottsdale, AZ

Webinar Leader, "**Great Endings Depend on Reflective Beginning**", International Academy of Mediators (IAM) Mentee Webinar Wednesdays, September 26, 2018.

Organizer and Host, "**Finding Trust in the Rock and Roll World of Conflict: Back to the Basics**", International Academy of Mediators (IAM); October 4 - 6, 2018; Case Western Reserve University, Cleveland, OH

Panelist, "**Making the Most of the Mediation Session**"; Cleveland Metropolitan Bar Association's CLE "The ABCs of ADR: Best Practices Guide for Litigators"; October 30, 2018, Cleveland Metropolitan Bar Association, Cleveland, OH

Panelist, "**Taking Commercial Mediation to the Next Level**", November 15, 2018; Schellenberg Widmer, Lowenstrasse 19, 8001 Zurich, Switzerland

Host, "**What Impresses, Disturbs, Confuses, and Confounds Your Clients in Mediation**", ABA New Mediation Series of Webinars, December 12, 2018

Presenter, "**Negotiating Executive Severance Agreement**", Cleveland Inn of Court, May 16, 2019, Frantz Ward. Inn Members Jerry Weiss, owner of MediationInc and Ann-Marie Ahern, Principal at McCarthy Lebit Crystal & Liffman presented best practices and strategies.

Speaker, "**Mediating with Reflection**", Cleveland Employment Law Inn of Court, May 17, 2018, Littler Mendelson, Cleveland, OH

Speaker, "**What Mediators are Thinking and Doing While You're Mediating**", Annual Ohio Employment Lawyers Association; April 13, 2018, Brookshire, Delaware, OH

Speaker, "**Why Mediation is Not a Judicial Settlement Conference**", Ohio Supreme Court ADR 2018 Dispute Resolution Conference: "Integrating Contemporary Dispute Resolution Processes in Today's Court", March 13, 2018, Ohio State University - The Ohio Union, Columbus, OH

Featured speaker, "**Reflective Problem-Solving: Breaking the Link to the Binary Past**", 2017 Littler Ohio Employer Conference: The Winds of Change: Strategies to Help Employers Bend, Not Break"; October 19, 2017, Cuyahoga Community College, Warrensville Heights, OH

Featured speaker, Ohio Mediation Association Annual Meeting; May 29, 2017; Fawcett Center, Columbus, OH

Moderator, "**Understanding the Bigger Picture in Mediating Human Rights Disputes**"; Winkler Institute for Dispute Resolution, International Academy of Mediators and Osgoode Hall Law School, York University: "Mediation Advocacy in the Age of Diversity"; May 11, 2017; Toronto, Canada

Panelist, "**The Art of Recognizing Transformative Moments in Mediation**", 2017 ABA Section of Dispute Resolution Spring Conference: "Developing Skills, Finding Meaning, Pursuing Justice"; April 19-22, 2017; San Francisco Hyatt Regency, San Francisco, CA

Moderator, "**First Offers and Counteroffers: Striving for a Solid Start**"; ABA Webinar, November 1, 2016

Panelist, "**A First and Ten Approach**", Frantz Ward Litigation Panel Series 2016; October 27, 2016, FirstEnergy Stadium, Cleveland, OH

Panelist, "**The Great Debate: Conversation and Communication in the Digital World. What Does Age Have To Do With It and is Texting "Sorry" the Hardest Word?**", 2016 International Academy of Mediators (IAM) Fall Conference: "Perspective is Everything", September 22-24, 2016; Rosewood Hotel George, Vancouver, Canada

Panelist, "**Are Legal Mediations Only About Money?**", 2016 ABA Section of Dispute Resolution Spring Conference: "Involve. Evolve. Resolve!", April 7-9, 2016; Sheraton New York Times Square

Panelist, "**Transformative Mediation: Can You Find Heart and Soul (and Adventure) in An Increasingly Numerical Mediation World?**", 2016 Arbitrators' and Mediators' Institute of New Zealand (AMINZ) and International Academy of Mediators (IAM) Conference: "Dispute Resolution on the Edge", February 29 - March 5, 2016; Queenstown, New Zealand

Speaker, "**The Anatomy of an Employment Mediation**", 2015 Ohio Association of Justice (OAJ) Winter Convention, December 3-4, 2015; Cleveland, OH

Speaker, "**Impasse Strategies**", Cuyahoga County Court of Common Pleas and Cleveland Metropolitan Bar Association's "Best Practices for Mediation and Settlement Conferences"; November 6, 2015, Cleveland, OH

Panelist, "**Transformative Moments in Mediation**", International Academy of Mediator's 2015 Fall Conference "Recognition, Dialogue and Reconciliation"; October 22-24, 2015, Baltimore, MD

Speaker, "**Give Peace a Chance**", International Academy of Mediator's 2015 Spring Conference, May 7-9, 2015, San Francisco, CA

Panelist, "**Cutting Edge Closing Techniques: Where Nobody Wants to Say Yes**", ABA Section of Dispute Resolution 2015 Spring Conference; April 15-18, 2015; Westin Seattle; Seattle, WA

Speaker, "**Mediation Advocacy -- Opening Statements**", Cleveland Metropolitan Bar Association; April 14, 2015; Cleveland, OH

Panelist, "**Negotiations**", Ohio Women's Bar Foundation Leadership Institute, February 15, 2015, Supreme Court of Ohio, Columbus, OH

Organizer and Speaker, "**The Art of Mediation**", presented by the Chicago Bar Association and the International Academy of Mediators; October 22, 2014; Chicago, IL

Panelist, "**After the Middle Hours: Getting to Settlement**", ABA Section of Dispute Resolution 16th Annual Spring Conference, April 2-5, 2014; Miami, FL

Presenter, "**Ethics in Negotiation and Mediation**", Benesch Friedlander Coplan & Aronoff Annual Year-End "Ethics, Professionalism & Substance Abuse", Ritz Carlton, Cleveland, Ohio, December 12, 2013

Panelist, "**Valuing Employment Cases: A Peek Behind the Curtain**", Orange County Bar Association Labor & Employment and Alternative Dispute Resolution Joint Section Meeting, Radisson Hotel, Newport Beach, California, November 11, 2013

Moderator, "**Emerging Trends. Employment Law Solutions**", Littler Mendelson 2013 Ohio Employer Conference, Cleveland, Ohio, October 24, 2013

Panelist, "**Outstanding Advocacy in Complex Mediations**", International Academy of Mediators in conjunction with the Ontario, Canada Bar Association's: "Mediating at the Highest Levels of Competence," Toronto, Ontario, Canada, May 8, 2013

Presenter, "**Working the Middle Hours: Keeping Negotiations Going, Late Morning to Late Afternoon**", ABA Section of Dispute Resolution 15th Annual Spring Conference, Chicago, Illinois, April 3-6, 2013

Panel Organizer and Presenter, "**Beyond Positional Bargaining: Unwrapping the Value and Resolution Package**", Case Western Reserve University ADR Society Annual Symposium, CWRU School of Law, Cleveland, Ohio, March 29, 2013

Presenter, "**Valuing an Employment Case for Settlement and Trial**", The Cleveland Employment Lawyers Association "Employment Discrimination Trials: A 360-Degree View", December 7, Cleveland, Ohio, December 7, 2012

Panel Organizer and Presenter, "**Mediation Representation**", Cleveland-Marshall Law Alumni Association CLE, Cleveland, Ohio, September 22, 2012

Presenter, "**Employment Mediation Through the Eyes of the Mediator**", Employment Inn of Court, Littler & Mendelson, May 10, 2012

Panel Organizer and Presenter, "**The Negative Trap of Positional Bargaining**", 19th Annual Northwest Dispute Resolution Conference, University of Washington School of Law ADR Advocacy Track, Seattle, Washington, May 4-5, 2012

Panel Organizer and Presenter, "**You Take the High Road; I Take the Low Road: Beyond Positional Bargaining**", Fourteenth Annual Spring Conference of the American Bar Association Section of Dispute Resolution; Washington, D.C.; April 18-21, 2012

Presenter, "**The Evolving World of Mediation & Arbitration**", Case Western Reserve University Annual ADR Symposium, Cleveland, Ohio, April 13, 2012

Co-Presenter, "**Point-Counterpoint: Whether a Mediator Should Have Subject-Matter Expertise**", Cleveland Metropolitan Bar Association's ADR Section Meeting & CLE Presentation; Cleveland, Ohio, January 10, 2012

Co-Presenter, "**Mediation Representation: Advocating in a Problem-Solving Process. Mistakes to Avoid**", Cleveland Metropolitan Bar Association's Litigation Institute 2011; Cleveland, Ohio, December 15, 2011

Presenter, "**The Mistakes I've Seen Injury Lawyers Make in Trying to Resolve a Business Case**", Ohio Association for Justice (OAJ) 2011 Business Torts Seminar, Holiday Inn, Strongsville, Ohio, October 28, 2011

Presenter, "**Trial Lawyers in Mediation: Things That Amaze Me. The Best . . . And Worst Practices As Seen By The Neutral**", Trial Lawyers of America (TAA) Annual Conference, Sutton Place Hotel, Chicago, Illinois, June 8-10, 2011

Presenter, "**The Resolution of a Business Case From a Mediator's Perspective**", Ohio Association for Justice (OAJ) Annual Convention, Hilton at Easton, Columbus, Ohio, May 11-13, 2011

Panel Organizer and Presenter, "**Always Be Closing: Seasoned Mediators' Pointers on Getting the Deal Done**", Thirteenth Annual Spring Conference of the American Bar Association Section of Dispute Resolution, Denver, Colorado, April 13-16, 2011

Panelist and Presenter, "**Artistry in Mediation: Conflict, Improvisation & Resolution -- Remarkable Closings: Insights from Our Stories**", International Academy of Mediators Spring Conference, Salt Lake City, Utah, March 11-13, 2010

Panelist and Speaker, "**Employment Disputes: Most Frequently Asked Questions from the Parties and Mediator's Perspective**", Employment Law of Inn of Court, Cleveland, Ohio, December 20, 2009

Panelist, "**Back to Basics: ADR - Ethics in Negotiations**", Cleveland Metropolitan Bar Association, Cleveland, Ohio, November 19, 2009

Panel Organizer and Speaker, "**It's More Than the Money: The Non-Economic Subtext of Employment Litigation and Mediation**", Eleventh Annual Spring Conference of the American Bar Association Section of Dispute Resolution, New York, New York, April 16-18, 2009

Speaker, "**Mediation of Medical Negligence Dispute: Providing the Metaphorical Text to The Dollars Only Negotiation**", Mediation Association of Northeast Ohio's (MANO) 2009 Annual Conference and Training Event: "Health Care Mediation: A Cure for Conflict", Corporate College, Warrensville Heights, Ohio, April 3, 2009

Speaker, "**Mediation for Advocates: The Basics and Beyond**", Mahoning County Bar Association Continuing Legal Education, Youngstown, Ohio, June 6, 2008

Speaker and panelist, "**Mediation as a Tool of Persuasion: Ethics in Mediation**", Ohio State Bar Association Annual Convention, Columbus, Ohio, May 16, 2008

Speaker and panelist, "**The Trial Lawyer's Pursuit of Excellence Outside the Courtroom: Ethics in Mediation**", Ohio State Bar Association Staff Counsel Committee CLE, Columbus, Ohio, March 28, 2008

Speaker and panel moderator, "**Mediation Advocacy vs. Litigation Advocacy: What's the Difference?**", Cleveland Metropolitan Bar Association (formerly Cleveland Bar Association) CLE, Cleveland, Ohio, March 11, 2008

Speaker, **“Efficacy in Resolve Litigation – Mediation, Negotiations, and Taxation Issues in Settlement/Effective Mediation Advocacy”**, The Cleveland Employment Lawyers Association Annual Seminar “Issues in Employment Law”, Cleveland, Ohio, October 5, 2007

23rd Annual Spring Seminar of Gallagher Sharp, **“What’s It Worth? – A Mediator’s Perspective”**, Cleveland, OH, June 8, 2007

University Hospitals of Cleveland Clinical Risk Management Education Session: **“Why Patients Sue”**, Cleveland, OH, May 5, 2007

Panel Organizer and Speaker, **“Navigating the Complex Maze of Profound Injury Cases”**, Ninth Annual Meeting of the American Bar Association Section of Dispute Resolution, Washington, D.C., April 25-28, 2007

Panel Organizer and Speaker, **“Mediating Death and Profound Injury Cases”**, Eighth Annual Meeting of the American Bar Association Section of Dispute Resolution, Atlanta, GA, April 5-8, 2006

Speaker, **“Mediation of Medical Malpractice Disputes: The Neutral’s View”**, CLE seminar on Medical Malpractice, Cleveland-Marshall Law Alumni Association, Cleveland-Marshall Law School, Cleveland, Ohio, December 10, 2005

Speaker, **“Medical Errors – Disclosure and Communication”**, Fairview General Hospital Grand Round for Physicians, Cleveland, Ohio, September 16, 2005

Speaker, **“Pitfalls of Mediation”**. CLE Seminar Presentation, Davis & Young, Cleveland, Ohio, April 29, 2005

Panel Organizer and Speaker, **“Mediating Death and Profound Injury Cases”**, Seventh Annual Meeting of the American Bar Association Section of Dispute Resolution, Los Angeles, CA, April 14-16, 2005

Speaker and panelist, **“Effective Negotiations Through Mediation”**, Continuing Legal Education Seminar sponsored by the Ohio Women’s Bar Association, December 9, 2004

“The State of Mediation and Mediation Ethics”, Legal Ethics, Professionalism & Substance Abuse Seminar, Professional Liability Services, Inc., Independence, Ohio, November 5, 2004

“Attributes of Successful Mediations”, 8th Judicial District Conference, Cleveland, Ohio, October 15, 2004

“ADR in the Federal Courts – What Works When: Mediation Do’s and Don’ts.” Third Annual Northern Ohio Employment and Labor Conference sponsored by the Cleveland Bar Association

in conjunction with the United States District Court for the Northern District of Ohio Eastern Division, Cleveland, Ohio, November 13, 2003

Moderator, **“The Malpractice Case.”** Southwest General Hospital Trustee Advance Program, Southwest General Hospital Medical Center, Middleburg Heights, Ohio, October 18, 2003

“Effective Negotiation and Mediation: Transactional and Interpersonal Psychology for Lawyer 101.” CLE Seminar Presentation, Davis & Young, Jeffries Kube Forrest & Monteleone, McNeal Schick Archibald & Biro, Reminger & Reminger, Weisman Kennedy & Berris; Cleveland, Ohio, September 20, 2003

“Effective Mediation”. Cleveland Academy of Trial Lawyers, Bernard Friedman Litigation Institute, March 25, 2003

“Mediation: Why Some Work and Some Don’t.” Seminar Presentation, Buckingham, Doolittle and Burroughs, Cleveland, Ohio, June 10, 2002

MEDIATION TRAINING

Beyond general mediation training, received training in several specific areas of mediation including Advanced Skills in Commercial and Construction Mediation, Process Technique, Disclosure Technique, Employment Dispute Resolution Systems, Training Lawyers in Mediation Advocacy, Federal Court Special Masters Skills, Mediation Advocacy Practices, Evaluative Mediation, and Intuitive Inquiry. I have been involved in the training of lawyers and neutrals in mediation.

Additionally, participated in advanced training in subject matters including the Mediator's Role in Commercial Mediation, Impasse Breaking Techniques in Complex Mediation, Advanced Negotiation Skills and Mediation Techniques, Complex Issues in Business Dispute Resolution, Ethics in Mediation, Advanced Skills for Settling Employment Cases, and Advanced Skills for Mediating Complex Cases.