

BeyondConflict

Dispute Prevention & Resolution

Virginia Hoptman & Charlie Rowan

TURNING CONFLICT INTO OPPORTUNITY

BeyondConflict helps reframe conflict to uncover new value, strengthen vital relationships, and prevent future disputes.

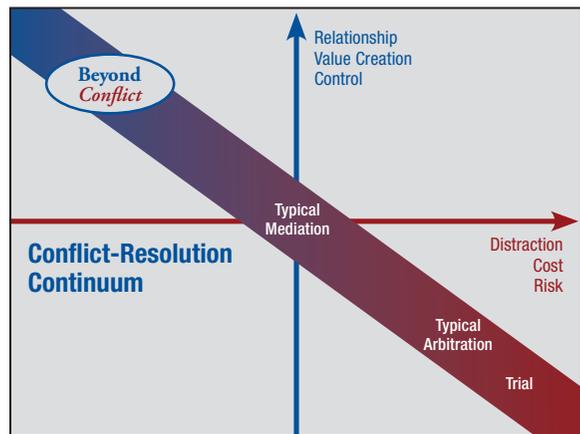
We Get What's at Stake

Many companies spend millions annually on litigation, not counting liability and settlement payments. Damaged relationships, distracted employees, and lost opportunities multiply the costs, while extended litigation deprives the parties of control.

We Have the Experience

Before litigating complex cases in private practice, Virginia Hoptman clerked for Supreme Court Justice Thurgood Marshall and Third Circuit Chief Judge Collins J. Seitz. She is a mediator for the US District Court and Court of Appeals for the DC Circuit.

Charlie Rowan managed high-stakes cases at Unisys Corporation, litigated at two major law firms, and clerked for US District Judge Howard Corcoran. A certified mediator in Virginia, he is also a neutral case evaluator for the Fairfax Circuit Court.



We Can Help

REFRAME the conflict dynamic from adversarial contest to joint search for mutual gain.

RESOLVE complex cases by getting to the heart of the matter, working with all parties to identify key issues and brainstorm options for resolution. Early, proactive mediation enables parties to minimize litigation costs and maximize opportunities for mutually satisfying solutions. We also provide neutral case evaluation — for a single party or for all — at any stage of a dispute.

PREVENT conflict from escalating in the first place, helping to identify incipient or likely areas of conflict, drafting and implementing dispute-prevention contract clauses, and providing facilitated resolution and ombuds services. We also provide collaboration training, coaching, and dispute-systems design.

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COMPLEX DISPUTE RESOLUTION

Conflict is enormously costly. Outside litigation expense for the 200 largest US companies averages more than \$115 million annually, not counting liability and settlement payments. And these direct costs are only the tip of the iceberg. Total costs soar when lost opportunities and reduced productivity are considered.

Blind justice picks a “winner” without considering relationships, common interests, and opportunities. In typical mediation, the parties remain stuck in fight mode, focused on who is “right.” Grudgingly, they “settle,” leaving value and a wounded relationship on the table.



At *BeyondConflict*, we aim higher than settling for settlement. Maximizing value when resolving disputes is an important goal. Therefore, in addition to traditional arbitration, we offer a range of services, including:

- **Neutral Case Evaluation.** We work with one or with all parties to frankly evaluate anticipated or existing litigation and help

brainstorm options and strategies for advantageous resolution; and

- **Mediation and Hybrid Processes.** Using mediation and approaches combining mediation and arbitration, we work with parties to reframe their conflict from an adversarial “who’s right?” mindset to a collaborative pursuit of mutually satisfying solutions.

Between us, we have mediated and represented clients in conflicts involving businesses of all sizes, from the Fortune 50 to closely held companies, banks, insurers, and universities, as well as government agencies, employees, inventors, students, and professors. We have handled a wide range of issues, including complex business, environmental, and employment torts; patent-infringement, trade-secret, and other intellectual-property cases; disputes arising from mergers, acquisitions and divestitures, the sale of real estate, the disposal of hazardous substances, and complex information-technology, health-information systems, commercial and construction projects; and disputes involving indemnification, insurance coverage, and the interpretation of statutes and regulations, including constitutional and preemption challenges.

DISPUTE PREVENTION

We help clients anticipate, normalize, and successfully navigate conflict and avoid the burdensome direct and indirect costs of full-blown disputes. By planning for conflict at contract formation, and using tools like structured negotiation, facilitation, ombuds services, mediation, and series mediation, you can turn conflict from a cost burden into an opportunity to discover and create value for your organization and enhance your business relationships.

Business Transitions

Conflict is inevitable during transition. Left unaddressed, it can put the transition at risk. In mergers, acquisitions and divestitures, unresolved issues can delay or derail the deal closing and disrupt successful transition after closing. Similar issues can impede or disrupt the successful transition of a medical, financial, or other

*Out beyond ideas
of wrongdoing
and rightdoing,
there is a field.
I'll meet you there.*

— Rumi

professional practice. Likewise, unresolved conflict can prevent adoption and implementation of sound succession plans for family or closely held businesses.

BeyondConflict provides two neutral and creative perspectives to resolve conflict in ways that reduce risk, add value and help you thrive in transition.

Itinerant Ombuds

We provide ombuds services to colleges and universities, hospitals, and large non-profit or other organizations where conflict is not addressed by an existing internal ombuds office. Removed from institutional

pressures, **BeyondConflict** provides a confidential forum where concerns can be raised, issues discussed, and conflict resolved among or between stakeholders, outside of formal grievance procedures.

Safeguarding Projects

Conflict is a fact of life in major system-integration and construction projects, and in distributorship, supply, and franchise relationships. Involving skilled neutrals early and routinely to help manage and resolve such conflict helps to avert major delays and disruptions, protect key relationships, and potentially save millions in legal risk and expense. **BeyondConflict** will work with you to:

- Identify sources of conflict;
 - Tailor effective conflict-management tools; and
 - Keep projects healthy and on track by acting as neutrals under a range of contract clauses.
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WHO WE ARE

UNDERSTAND. ENGAGE. SUCCEED.

Charlie Rowan and **Virginia Hoptman** founded **Beyond** *Conflict* with the mission to provide more satisfying options for conflict resolution than are typically available today. We help our clients suspend the conditioned “fight-or-flight” response and engage with each other in order to:

- Uncover new possibilities;
- Generate outcomes that lower cost and create value; and
- Strengthen relationships and prevent future disputes.

Our purpose is to help that happen for our clients. Our vision is for it to become the norm.



Virginia clerked for US Supreme Court Justice Thurgood Marshall and Chief Judge Collins J. Seitz of the US Court of Appeals for the Third Circuit. She has litigated, negotiated, and mediated complex cases in private practice, earning peer recognition in Best Lawyers, Super Lawyers, and Litigation Counsel of America. A nuanced thinker and empathic listener, Virginia understands the human and financial costs of litigation and the power of collaborative brainstorming. Virginia mediates cases for the US District Court and Court of Appeals in D.C.



Charlie clerked for U.S. District Judge Howard Corcoran and tried cases at two major law firms. Then, as Assistant General Counsel of Unisys Corporation, he helped create satisfying solutions in a wide range of complex, high-stakes business, environmental, and insurance disputes. Charlie is a relentless and creative problem solver. A certified mediator in Virginia, Charlie is immediate past chair of the ADR Section of the Fairfax Bar Association and also serves as a neutral case evaluator for the Fairfax Circuit Court.
