

The Power of Mediation: Mediator Settles Fox News v. Dominion Voting Systems During European River Cruise

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Mediator to the rescue again! Mediator Jerry Roscoe was called in by counsel for Fox News and Dominion Voting Systems at the eleventh hour the night before the trial began. A huge amount of money and public images were at stake in the defamation trial. After attorneys failed to broker a deal over the weekend, Judge Davis had ordered the parties to attempt again to settle.

At the time of the call, Mr. Roscoe was celebrating his birthday on a cruise ship sailing from Budapest to Bucharest. Notwithstanding this situation, he accepted the surprise job and reportedly estimated that he conducted as many as 50 calls with the parties from Sunday night through Tuesday afternoon (when the jury was selected and sworn in). CNN quoted Mr. Roscoe driving home the point: "Presence in the courtroom often tends to crystalize the focus of the risks and benefits of litigation. "Once the jury sits down and you're looking at people who are going to decide your fate, it's an awakening experience."

The moral of the story: don't pay astronomical court and attorneys' fees only to roll the dice with a jury in the public eye. Instead, save time, money, and reputation by agreeing to privately mediate disputes between employers and employees. Put it in writing and make sure it's a legally enforceable agreement. Moreover, other commercial disputes include a mediation clause. Agree to settle arguments with your neighbors, even without a written agreement. I've mediated those, too.

This is another example of the wisdom of calling a mediator. Sometimes, we perform what seems like an impossible task. Kudos to Mr. Roscoe for settling a case for one of the largest defamation awards in history.