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**MEDIATOR QUALIFICATIONS AND
STATEMENT OF PHILOSOPHY**

STATEMENT OF PHILOSOPHY

Goals: The resolution of complicated and entrenched disagreements occurs in an environment which encourages the participants to see the advantages of ending a dispute. Achieving this goal requires a creative, imaginative and persistent mediator willing to spend the time necessary to understand both the litigants and the legal issues. Each dispute is unique, and the mediation process must be crafted to the styles and characteristics of both the dispute and the parties. However, my goals for mediation are always the same: (1) understand the legal business and subjective issues in the case; (2) develop a relationship with each of the parties based on a frank exchange of perceptions of the situation; (3) assist each party with identifying specific elements of the desired outcome of the case, whether through litigation or mediation; and (4) develop a settlement structure which maximizes each party's ability to manage their risks and achieve their desired goals.

Process: Because mediation is a process, not an event, I contact the parties at the time I am first engaged. I continue to work with the parties until the case is settled or otherwise resolved and frequently talk with the parties or their counsel before and after any scheduled joint mediation session. As a mediator, I am committed to taking the time and employing the techniques needed to: (1) ensure that everyone understands the issues in dispute; (2) fully explore the obstacles to resolution; and (3) exhaust all options for narrowing the scope of the dispute or reaching a final agreement.

Timing: The timing of mediation can significantly affect the outcome of the dispute. In situations where the damages accrue over time and/or the parties are required to continue working together as the dispute continues, mediation, prior to even filing a lawsuit, can be a valuable tool. The objective in an early mediation is to develop a means to minimize the magnitude of the problem and any collateral damage while protecting the parties' rights if resolution of the immediate problem is not achievable.

More often than not, mediation occurs after litigation has been commenced. Throughout the litigation process, litigation can be beneficial, but certain information must be available for a full understanding of the best way to fully and finally resolve the disagreement. As a mediator, when litigation is pending, whether at the trial level or appellate level, I clearly identify my expectations for development of the issues, both legal and factual, as part of the mediation process so the process is productive rather than just another step on the way to the courthouse.

QUALIFICATIONS

Training:

- Straus Institute for Conflict Resolution, Pepperdine University - 2007
- Mediator Skills Training, Institute for Conflict Management - 1994
- Ongoing Continuing Legal Education Seminars sponsored by the American Bar Association, Oregon State Bar, Federal Publications on Construction Claims, Federal Claims, Impact Damages and Alternative Dispute Resolution in the Construction Industry

Mediation Experience: I have participated in over 100 mediations. These mediation experiences range from small two-party disputes to multi-million dollar, complex, multi-party disagreements. I have extensive experience with all types of construction claims, debtor-creditor issues, bankruptcy law and general civil litigation. I fully understand complex commercial financial transactions, insurance issues, internal corporate practices and the business implications associated with settlement of disputes. I have mediated cases in U.S. District Court, the Court of Appeals for the State of Oregon, Oregon and Washington trial courts, and the U.S. Bankruptcy Court. I also work directly with businesses before litigation is commenced to help avoid a potential dispute and assist parties in renegotiating a failing agreement.

References available upon request.