



## Kevin Schlosser's Perspective On Being A Private Judge

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### What do you want in the person who will be deciding your important legal dispute?

Someone who is:

#### **Knowledgeable and Experienced**

You want someone who is familiar with the subject matter of the dispute and who can absorb and appreciate the issues and arguments presented. I have over 35 years experience in practicing law. When I handle a case in any given area of law, I become an "expert" in not only the substantive applicable law, but the underlying subject matter of the litigation. That means that while I have handled a very broad array of matters, I have not just "tinkered" in the subject — I have immersed myself in it. I have also served as a court-appointed referee and mediator in the Commercial Division. Here are the types of matters I have handled:

All manner of commercial litigation and disputes, corporate and partnership disputes, business torts, fraud, breach of fiduciary duty, breach of contract, business valuations, employment and restrictive covenants, trade secrets, intellectual property, trademarks, copyrights, unfair competition, false and misleading advertising, professional liability and malpractice claims, construction law and mechanics liens, real estate, commercial landlord-tenant disputes, ERISA, health law, insurance coverage, claims and defense, including disability insurance claims, and the prosecution and defense of other tort-related claims.

#### **Hands On**

While many judges are experienced and knowledgeable (and in the court system of course you do not choose which one you get), the court system is not designed to enable the judge to pay sufficient attention to each case given the size of any typical caseload. Law clerks, law "secretaries" and other assistants are placed with a great deal of the responsibility for the decision-making process. In a matter in which I am the "judge," I am the one reviewing and evaluating the papers, the arguments, the witnesses and everything else relevant. I am the one deciding the outcome — applying over 35 years of personal experience and knowledge directly to the matter.

#### **Responsive and Dedicated**

When legal disputes arise, they are often the most important, critical and pressing issues confronting the parties. That is the way they should be addressed by the private judge. Issues should be handled in a timely and responsive manner. I have always understood the importance of timely attention to matters, regardless of how many demands are on the plate. The beauty of the private judge is that there is no bureaucracy in the way. We are able to be attentive and responsive to those who have engaged our services.

#### **Fair and Objective**

Legitimate disputes should be resolved in an entirely fair and objective manner based upon the merits, equity and what is just and right. Every party deserves to get a fair shake in presenting its position and an opportunity to be heard and carefully understood. Reasonable minds could differ on any given issue, but the process must be fair and even-handed for all.