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MILES MEDIATION & ARBITRATION SERVICES

ADR FIRM OF THE MONTH

MARKETING
SPECIAL EDITION





MILES AHEAD IN ADR

By Jan Jaben-Eilon

When attorney John Miles started mediating, the legal profession looked at mediation much like doctors viewed acupuncture. In those days, mediation meant a third party would convey a message, including numbers, from one group of people in one room, to another party in another room. And back and forth, until some compromise was agreed upon.

“When I started in 2000, mediation was small on the horizon,” Miles recalls. “A real lawyer would never do mediation.” He drove his truck from place to place, explaining the process of mediation. He had been a partner in a law firm, but hadn’t enjoyed his work. When he told his partners that he would be leaving to find something new, they asked him if he would wind up a number of construction cases that were in mediation. “I began

to ask questions, and realized that I could do this. When I found mediation, I knew that’s what I was meant to do. I knew I truly enjoyed it and knew that I could build something successful.”

And that’s exactly what he’s done in the last 16 years. As demand grew, he moved from his truck into his first office in Madison, GA., in the spring of 2001. The following year Miles Mediation & Arbitration Services, LLC, a practice devoted exclusively to mediation and arbitration, opened an office in the Perimeter area in north Atlanta. Now he also has an office in Savannah. And his goal is to expand throughout the Southeast, and then across the country.

“To say that Alternative Dispute Resolution (ADR) is a growth industry, is an understatement,” he says. “As both population and the number

of claims has increased, it’s more difficult to get a case to trial. There was a need to make the process faster and more cost effective. ADR is a good alternative to traditional litigation.”

“When I started out, I went to talk to a judge about mediation, but the bench was indifferent. Now most judges see the value and effectiveness in moving cases off their calendars. Now it’s the norm to try mediation,” Miles explains. Mediation offers parties the option of early resolution and leads to more referrals to Miles.

In the last decade or so, Miles – a graduate of Concordia College in Minnesota and Emory University College of Law — has tweaked his mediation method to become even more successful. Eight-two percent of his firm’s cases are settled at mediation or within one week of the mediation. He credits that success partly on the surveys he con-

ducted for a book he wrote about mediation in 2012: *A New Day in Court*. He wanted to know what motivated people to come to mediation and to settle their cases. “I wondered what separated me from others. I surveyed people and asked them why they came to mediation. I thought the answers could be money, fear, justice or anger, but really, I thought it would be all about money.” Prior to conducting the surveys, he thought money was the primary motivator, but he learned that most plaintiffs are motivated by emotion.

For people who are injured, the process is just as important as the end result. They need to trust in the process, as well as have a certain comfort level. “As a result of the book and surveys, we changed the way we mediated at Miles,” he explains. “I’ve learned that I must surround myself with talented people. We are in the hospitality business. In addition to great mediators, we also provide an environment conducive to resolution.”

That environment is evident as soon as one walks into the Miles Mediation office. A person is immediately greeted and taken to their assigned conference room. Among the amenities offered are breakfast, catered lunch, fresh fruit, desserts, snacks and a variety of beverages. There’s free Wi-Fi, and all kinds of equipment such as PowerPoint presentation screen and projector, computer access and teleconferencing capabilities.

In 2005, the firm’s average case settled for \$50,000. In the last three years, Miles has moved to larger cases, in the high six figures. But for the person who settles at \$10,000 or \$1 million, the needs are the same, especially trust and respect. “We make sure that even if the case doesn’t get settled, you will at least understand that you have been heard and that the others will have listened to what you have to say. The parties get to speak to each other and hear each other. It’s a feeling of empowerment, and typically at the end, there’s a consensus. “My research showed that the more something matters to us, the less likely we are to surrender control to a third party.”

What really sets Miles Mediation & Arbitration Services apart is the team approach that Miles developed. At some point, he realized that he had to establish his brand. “Brand is people,” he states matter-of-factly. “When I started the team approach, most were independent contractors who had a desire to grow their own practice. It wasn’t about a brand.” The team approach allows team leaders an opportunity to recruit and train new mediators.

Each of his team leaders brings unique experience and skills to the mediation practice. Miles says that there are fewer than 20 mediators in Georgia who make a significant living from full-time mediation. Six are in his offices. In addition to him, those team leaders are Joseph M. Murphey, David C. Nutter, Gregory J. Parent, Hon. Susan B. Forsling, Wayne Wilson and Daniel C. Cohen – the latter in the Savannah office.

In 2016, Murphey received the *National Law Journal’s* “ADR Champion” award. He was the only mediator in Georgia to receive this distinction. “Joe Murphey has



Joseph M. Murphey, Esq.



David C. Nutter, Esq.



Gregory J. Parent, Esq.



Hon. Susan B. Forsling



Daniel C. Cohen, Esq.



Wayne Wilson, Esq.

been with Miles since the beginning,” says Miles. “He was my first team leader. Joe cut his teeth mediating automobile accident cases and now is called upon to help resolve high value and complex cases for the best attorneys in the state.”

Team leader David Nutter handles complex business disputes, employment litigation, corporate and partnership litigation and dissolutions, and banking and finance. On Nutter, Miles says, “David is one of the most respected and requested business mediators in the Southeast. If you have a complex commercial dispute, then David is the mediator for you. His intellectual ability is matched only by his integrity.”

Team leader Susan Forsling is a widely respected mediator and arbitrator who specializes primarily in complex cases involving personal injury, medical negligence, wrongful death, professional liability, commercial contracts, local government, civil rights and bad faith insur-

AT A GLANCE

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John K. Miles, Jr., 2000

Firm Composition

Team Leaders:

Hon. Susan B. Forsling

David C. Nutter, Esq.

Joseph M. Murphey, Esq.

Gregory J. Parent, Esq.

Daniel C. Cohen, Esq.

Wayne Wilson, Esq.

Practice Areas:

Alternative Dispute Resolution

Awards:

- Voted Best “Alternative Dispute Resolution” firm three years in a row by the Daily Report
- Team Leader Joseph Murphey named “ADR Champion” by the National Law Journal in 2016
- Team Leader Gregory Parent voted “Georgia’s No. 1 Mediator/Arbitrator” by the Daily Report
- John Miles voted Georgia’s No. 2 Mediator/Arbitrator by the Daily Report

Other Locations:

Savannah, GA

ance claims. Her long years on the bench bring a valuable voice to the firm. “Most who mediate at Miles address Susan as ‘Judge Forsling’ but she is quick to insist they call her Susan,” says Miles. “It is that balance of humility, talent and experience that has made Susan the go-to mediator for complex personal injury disputes.”

Team leader Wayne Wilson is another mediator who has been with Miles since the beginning. “Wayne Wilson is the most well-liked and respected mediator in the state,” says Miles. “His ability to identify and empathize with others makes him the perfect mediator for any size personal injury case.”

Miles says that he would not have a Savannah office if it hadn’t been for Cohen joining his team. “When I decided to expand to the coast I quickly learned that I had to associate with Danny Cohen. His reputation as an elite mediator extends far beyond coastal Georgia. He is comfortable mediating complex commercial and personal injury cases,” says Miles. As a mediator and litigator in Georgia and South Carolina for more than 30 years, Cohen handles a variety of cases involving personal injury, medical malpractice, commercial and business, premises liability, product liability, torts, trucking, employment/discrimination, wrongful death and construction litigation claims.

Team leader Greg Parent has worked as a claims adjuster and plaintiff’s attorney, and also handled insurance defense work for two prominent law firms, dealing with all types of civil litigation matters. “Greg Parent was recently named the best mediator in the state and those who have worked with him know why,” says Miles. “His skill as a mediator is complimented by his work ethic. If Greg can’t settle your case, then the case can’t be settled.”

For the third year in a row, Miles Mediation & Arbitration was recently named the “Top Alternative Dispute Resolution Firm,” by the Daily Report. Additionally, team leader Greg Parent was voted the number one Mediator/Arbitrator in the state, while Miles himself was voted number two.

At the time of the announcement, Miles said, “It’s an honor to be recognized as the premier ADR firm in Georgia. I am proud of this accomplishment, not because we won an award, but because of what it represents. It represents our clients’ trust, and it’s their trust that has led to the growth and success of Miles. Greg’s achievement is even more remarkable when you consider that he has only been mediating since 2012. He’s the best in the state and his best years are still ahead of him.”

These awards, Miles says, are notable “if it helps someone out there searching our web site and they have more comfort level because of the award. If the award gets them in the door, then that’s great. Once they are here, they will feel better. But the impact we have on people’s lives is more important than awards.”

Miles is bullish about his firm’s future. “The trends over the next five to 10 years are for continued exponential growth,” he says, due to a growing population and expanding economy. As more people interact, disputes arise. “As a nation, we have many issues we will have to work out,” he adds, particularly citing health care and its costs. “We will have to work that out hand in hand with litigators. Fortunately, ADR has become a more acceptable means for resolving disputes of all complexities.”

As a nation, we have many issues we will have to work out,” he adds, particularly citing health care and its costs. “We will have to work that out hand in hand with litigators to help resolve disputes.