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## Introduction: Increased Use of ADR in Resolving Human Resources Conflicts in Both Non-Union Companies and in Non-Union Departments of Unionized Companies

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INTRODUCTION: INCREASED USE OF ADR IN RESOLVING  
HUMAN RESOURCES CONFLICTS IN BOTH NON-UNION  
COMPANIES AND IN NON-UNION DEPARTMENTS OF UNIONIZED  
COMPANIES

*Jon Groetzinger\**

THIS PART OF THE INSTITUTE addresses the use of ADR in solving human resource conflicts in non-union-type settings, either in a corporate setting where there are no unions, or in departments where there are unions but you have a non-unionized department.

My name is Jon Groetzinger. I am general counsel and secretary of American Greetings. We are the world's largest publicly held greeting card company. There is one a little larger in Kansas City, but the *H*-word is never pronounced. I have sort of a cushy job, taking care of the Care Bears and making sure artists do not infringe on anybody else's works.

We have been considering for several years now using ADR to solve our employment problems. We have a fairly sizable docket of employment issues as a percent of total litigation, and I am terribly frustrated by the cost of that litigation. A lot of it seems unnecessary. A lot of it seems to go on a lot longer than anybody wants.

My impression of most of these things is that employees who feel they have been wronged just want a forum to speak to some neutral who empathizes and can listen to them. As Eileen Vernon said earlier, most employees just want to get the darn thing over with. So we have been looking very seriously at the types of programs used in the United States. There has been a lot going on here, and I am sure it will be of interest to a number of you who have a litigation budget that you have to control.

We have two very qualified panelists today, Ed Chaisson and Bob Meade, whose backgrounds I will give you in a minute. First, I wanted to tell you of an incident that happened earlier in the week in trying to get some background on another attorney.

I was in the middle of hiring for an in-house spot. We focused on a woman from a firm in town here. She was a great candidate. I told her to send me references, which she did. I had to call her back and tell her that her references did not have what I needed. I needed a judge or a lawyer who had seen her in action and could say that she is top-notch.

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\* Jon Groetzinger is Vice President and General Counsel of American Greetings Corporation in Cleveland, Ohio.

She told me to call Judge Doe. I will call him Judge Doe.

I called the judge's bailiff. It was about 4:45 in the afternoon, and the judge, rather, the guy on the other end of the phone got on and said, "Judge Doe's chambers."

I said, "I am Jon Groetzinger, and I have been referred to the judge to get a reference on someone."

He said, "Oh, really, who is that?"

And I said, "Well, it is Jane Rowe."

"Oh, why, what are you hiring for?"

I said, "Well, we have an in-house litigation position."

And he said, "Really, is that right?" He said, "Why did you not think about hiring the judge?"

I said, "Well, I had not thought of that, but had the judge applied, I would have been very happy to do that."

He said, "Really, well, what is the salary?"

I said, "I am sure it is more than the judge is making."

He said, "Well, you are not talking to the bailiff, this is the judge."

Fortunately, I do not have to talk to the judge to get the background on these two individuals today.

Ed Chaisson is an extremely qualified speaker. He has been a partner at Ladner & Downs in Vancouver. He came in from Hong Kong two days ago. He is Hunter Professor of Arbitration and Dispute Resolution in the City University of Hong Kong.

His practice areas include commercial litigation, arbitration, tax, antitrust, joint venture, and various licensing activities.

He is a Fellow at the American College of Trial Lawyers Chartered Institute of Arbitrators. He is also a trustee at the British Columbia International Commercial Arbitration Center, a member of the Chartered Arbitrators of the Institute of Canada, the A.A.A., the I.C.C., and the Center for Public Resources. He has a B.A. from Notre Dame University of British Columbia, and an L.L.B. from the University of British Columbia.

He is queen's counsel, and as he will explain, a CAMCA panel of arbitrators member and a member on the roster of Chapter 19.

Bob Meade is well-qualified as well. I know that because he has worked with American Greetings in trying to put the beginnings of the ADR program together in the employment context.

Bob is Vice President of Program Development, American Arbitration Association. He is charged to expand the use of ADR by business and industry in the legal community. He also does a lot of educating. In fact, he educated our staff and did a very good job of it.

He designs training programs for both parties and neutrals and has developed rules and procedures for ADR for many different types of industries. Rules and procedures varied depending on the types of

industry. That is one factor that must be taken into consideration.  
Bob Meade has a B.A. from Syracuse University.

