

ARBITRATOR/MEDIATOR SPOTLIGHT

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CAREER & BACKGROUND

I am a roster arbitrator and mediator at Arbitration Place and a commercial litigator with a focus on commercial and business disputes. My expertise is in commercial, business, fraud and insolvency matters and providing strategic advice to my clients. I have advocated for my clients in court, at arbitration and mediations. I have been appointed to arbitrate commercial, business, and contractual disputes. For many years I have also mediated pre & post litigation disputes involving contracts, business operations, negligence, torts, employment and estate issues. In 2017, after 23 years at a mid-size firm, I founded my own firm, Dodokin Law & Conflict Resolution which offers arbitration, mediation, and legal services.

ARBITRATOR/MEDIATOR PRACTICE

I am a Fellow of the Charter Institute of Arbitrators and I have received the designations Q.Arb., and Q. Med. from the ADR Institute of Canada. I have been appointed to arbitrate contractual, commercial, business and shareholder disputes and written arbitral awards on jurisdiction, contract interpretation, liability, damages and other legal issues. My focus is to ensure the arbitral process is efficient and fair to the parties. In addition, I have mediated a wide range of disputes over the years and I am a creative and experienced mediator. For my LL.M., my major research paper was about understanding and mediating/resolving complex family business disputes. Since 2021 I have been writing a blog with co-editors called Arbitration & Business Cases that highlights important cases for lawyers and arbitrators.

BENEFITS OF ARBITRATION/MEDIATION

There are many benefits of arbitration including that parties select their arbitrator(s) and the forum. The process and arbitral awards are confidential and there are limits on appeals. With post pandemic court backlogs, arbitration is an even more appealing option if the parties are agreeable to appointing an arbitrator post dispute to decide procedural or substantive issues. Mediation is a creative and confidential process. Unlike arbitration a decision is not imposed upon the parties. Mediation can result in the parties reaching agreements on their terms. Even if mediation doesn't result in a resolution, it is an inexpensive discovery process leading to greater understanding of the positions and evidence.



TIPS FOR COUNSEL TO BE MORE EFFECTIVE IN ARBITRATION/MEDIATION

For arbitrations, I recommend that lawyers learn the nuances of arbitration practice and law. My approach is to encourage counsel to collaborate to define the key issues and on process as procedural orders. A procedural order referencing arbitration rules, establishing deadlines for deliverables and steps, requiring direct evidence via written witness statements, and a limited discovery can reduce hearing days and streamline the process. For mediations, I recommend that the parties and lawyers arrive with a settlement mindset. A mediation can provide your client an opportunity to have its day in court with the possibility of a positive outcome. Inflammatory opening statements are not helpful. Apologies and acknowledgments are powerful. My approach is to ask what is your best alternative to a negotiated settlement? What are the possible outcomes, risks and benefits for your client at trial.