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Five questions with...

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You are known for your work as an ADR attorney. How did you get into the practice?

Back in approximately 1998, then Administrative Judge Vincent Doyle, who I knew from my work as a practicing lawyer, contacted me and he said mediation was something that was developing downstate and that he wanted to start a pilot program in Buffalo for the Eighth Judicial District and he asked me to be part of that. I had already been doing arbitration work and I thought that was a natural outgrowth. Mediation really had not been utilized at all in our community with any regularity and certainly there were no practitioners in mediation. So I agreed to be part of that original, small group of people trained in mediation.

Was there resistance on the part of the WNY legal community — the attorneys — early on against this movement for ADR?

I wouldn't call it resistance. Like anything that is new, this was something that needed a proper introduction and people needed to be educated on how it could be effective. But there was no question that the courts were getting very bogged down in the number of cases they had to handle, so it became a necessity. Then, ultimately, it led Judge Skretny to adopt, in 2005, a program for automatic referral for federal court civil cases because they were so backlogged they simply were not able to give the attention to the cases.

How has ADR evolved in your time practicing?

I think the practice has evolved because practitioners have come full circle to appreciate the fact that the courts are too busy with the volume of cases and there is a lack of available time both state and federal courts and they simply cannot dispose of the cases without the bar itself undertaking an active role in trying to seek out alternative resolutions. Also, given the tremendous cost in both time and expense of bring a case to trial today, I think it has evolved in that more people are looking to explore the cost savings given that it can run in the tens of thousands of dollars to produce a case.

ADR doesn't work for everyone. Are there cases that work better than others?

I think that the fewer issues there are for resolution, the higher likelihood there is of success. If you are dealing with only considerations of liability or only considerations of damages, it makes it easier to reach a resolution. The other issue that is important to consider is the willingness of the parties themselves to participate in the process. All sides have to be willing to not only be at the table, but they need to be invested in the success of the outcome that they work to determine.

As a solo practitioner, is it challenging to compete with the larger firms in WNY?

I don't think so. To be a successful solo practitioner, you have to develop your own niche expertise. If you do so, people are able to shop for services and smaller firms can use the web and market those services very well. It takes some time to do, and with someone like myself with 35 years as a high-profile litigation attorney, it is easier, but I think smaller firms and solo practitioners can compete with the rest of the firms.

— MATT CHANDLER