



Foreword - Winds of Change: Solutions to Causes of Dissatisfaction with Arbitration

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**Winds of Change: Solutions to Causes of
Dissatisfaction with Arbitration**

DePaul Arbitration Symposium—March 5 & 6, 2009

**Sponsored by The DePaul University
College of Law Center for Dispute Resolution**

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& *Stanley P. Sklar***

For decades commercial arbitration has been recommended frequently by lawyers facing the prospects of court calendars that set trial dates years after filing and potentially leave to lay juries the responsibility for dealing with highly complex factual issues. For these and other reasons, commercial arbitration as a private dispute resolution process has been used successfully by corporations and business organizations in thousands of cases. Recently however, arbitration has come under vigorous attack in court opinions, proposed legislation, articles in the public print media and academic journals. As there seems to be a substantial amount of confusion in the underlying thinking of much of the criticism, the reasoned responses generated by the participants in the DePaul Arbitration Symposium will be very useful in the process of restoring commercial arbitration to its proper standing. As you peruse the resumes of the persons who participated in the symposium, you will see they have exactly the experience needed to bring together strategic thinking about the arbitration process, its current status, and suggested reforms to position it for the future.

We want to thank particular individuals for their contributions to the success of the DePaul Arbitration Symposium. Glen Weisenberger, Dean of the College of Law, and Brian Havel, Associate Dean for Administration, were most encouraging as we brought together the speakers, respondents, and moderators who participated in the panels of the symposium and we planned for the publication of the

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articles prepared by each speaker in this Symposium issue of the *DePaul Business & Commercial Law Journal*.

As the field of arbitration rests in the hands of persons from many professional backgrounds, the *DePaul Business & Commercial Law Journal*, with its circulation to many professionals around the world, is the ideal publication for these articles. We owe a tremendous debt of gratitude to the Editorial Board for their decision to increase their work for the year by adding this Arbitration Symposium issue—Megan Bosau, Nick Hudalla, Tracy Schovain, Lee Christoff, Cheryl From, Chalet Braziel, Beth O'Connor, and Christine Fuchs. We extend a special note of thanks to Megan Bosau, Editor-in-Chief, for the time she gave so generously to the Arbitration Symposium and her guidance to the authors of these articles. With her extraordinary efforts, we were able to attain our goals. We also acknowledge with appreciation the work of Professor Margit Livingston, the faculty advisor to the *Journal*.

The symposium was created by the joint efforts of the members of the Planning Committee. We express our deep gratitude to the members of the Planning Committee for their extensive deliberations which brought this symposium from an initial concept to its final successful conclusion. The hope of the Planning Committee was that the symposium would have a great impact on the commercial arbitration process in America and others would continue to build on the ideas generated by our speakers, respondents, moderators and audience. The culmination of all of their contributions in this symposium issue makes this possible. We hope you find enjoyment in reading your copy of this symposium issue and will be able to implement some of the ideas for the betterment of the commercial arbitration process.