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## **How have your prior professional experiences shaped your approach to arbitration/mediation?**

I have been involved in litigation matters for over 40 years. During my litigation support career, I have been retained as expert witness, consulting expert, mediator and arbitrator. Assignments covered a number of industries and types of litigation. Also, during the various proceedings, I have been exposed to, and have worked with numerous Counsels with varying backgrounds, approaches and styles. Lastly, my experiences and expertise as a Chartered Professional Accountant (CA/CPA) and Chartered Business Valuator (CBV) provide me with the ability to understand and appreciate complicated financial and value matters. I try to bring different approaches to different situations – largely based on my actual experiences and expertise – as required.

My approach is to ask lots of questions to ensure I fully understand the positions of the parties, and the evidence they are putting forward – as I have also had to do as an expert witness.

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## **What emerging trends in arbitration/mediation should practitioners be paying attention to?**

Relevant and required document production and in person interviews are trending upward as matters become more detailed and more complicated. Motions for disclosure/Redfern Schedules and access to individuals are becoming more common and more acrimonious. Counsel should consult with its experts to ensure only necessary requests are made.

Choosing your arbitrator/mediator is always important – the recent trend is to ensuring there are no real or perceived conflicts of interest with the person selected. Full disclosure by the potential arbitrator/mediator is essential – and more fulsome.

Between experts, there is an increasing trend to requesting electronic calculation schedules be included with written reports. While this can be expeditious and cost saving, the specific case facts will help to decide if this happens.

## **What common mistakes do counsel make in arbitration/mediation, and how can they be avoided?**

Mistakes can happen for a number of reasons – for example incomplete disclosure, lack of detailed understanding, lack of preparation, insufficient or inappropriate experts, interpretation of agreement terms, poor use of time allowed, or a combination of all.

Errors will happen but nothing can compensate for preparation – know the case, understand the expert opinions, ensure all evidence is well presented, understand opposing positions and do a practice run through to ensure time allows for you to get your key points in!