

RICHARD K. JEYDEL  
*Award for Excellence in ADR*

The Justice Marie L. Garibaldi American Inn of Court for ADR

To the lawyers, business leaders, arbitrators, and mediators who knew him, Richard K. Jeydel was a unique and very special person. He has been described as brilliant, forever interesting, a life force, a man of great integrity, wit, and kindness. His dedication to the law and Alternate Dispute Resolution, in particular, serve as a model for us all, and a worthy namesake for this eponymous award.



To the members of the Garibaldi Inn, Rick was foremost a friend, a founding member of the Inn, and a welcome sight at each meeting — as he showed up in one of his trademark Woolrich, L.L. Bean or similar workshirts. He is remembered for his pointed commentary and insights on the subject of the evening.

To many others, Rick was recognized as the Senior Vice-President, Secretary and General Counsel of Kanematsu USA, Inc., then based in New York City, and a subsidiary of Kanematsu Corporation, one of the world's oldest international trading companies, headquartered in Tokyo, Japan. In that role, he gained extensive background in international trade and the company's wide range of products — from electronics and aerospace, to foodstuffs, steel and other industrial materials. He was a frequent litigant in cases for his company; and as *amicus* in the New Jersey Supreme Court for the New Jersey Corporate Counsel Association in *Cohen v. Radio-Electronics Officers Union*, which in 1996 reinforced the right of a client to discharge its counsel subject to the potential award of *quantum merit* fees. He also developed a keen awareness of the role of alternative dispute resolution in the business community and pressed that cause from his leadership positions in the American Corporate Counsel Association (Member of the Board), New Jersey Corporate Counsel Association (President), American Arbitration Association (Member of the Board and Executive Committee), and Member of the Editorial Board of the *New Jersey Lawyer* Newspaper.

To those in the ADR world, Rick received recognition as the 2008 recipient of the James B. Boskey ADR Practitioner of the Year Award (posthumously) and was known as a frequent lecturer and author on domestic and international ADR topics ranging from the developing role of class action arbitration to the use of ADR in the corporate world. Not only was he an arbitrator with the AAA, but also gained some renown as a Member of the Court of Arbitration of Sport in Lausanne, Switzerland — especially during the time of the Olympics and press coverage of international tennis competitions. His “gifted” lectures for the AAA, ICLE and others on the practice of arbitration and mediation were warmly remembered; many ADR professionals consider him a mentor. His “Consolidation, Joinder and Class Actions” article, published in the November 2002 - January 2003 edition of the AAA’s Dispute Resolution Journal, has been cited in a number of federal court opinions, as well as scholarly journals and practical/trade journals. He no doubt received good-hearted notoriety from his description in “The ADR Vision Roundtable: Challenges for the 21st Century,” in the August-October 2001 issue of the Dispute Resolution Journal, commending stepped ADR processes, noting some retired judges who carry forward the discovery excesses of court litigation, and observing the age-old battle between litigators and transactional lawyers on how to draft effective arbitration clauses. As he noted:

*Mr. Jeydel:* So I think there’s a real need for more sophistication, training, and thinking on the part of the commercial and MNA lawyers about the implications as opposed to well, let’s just drag out the boilerplate that we used in the last contract and plug it in here.

*Ms. Peterson:* Yes, I think that’s true domestically as well as with international contracts that there’s this separation between the people who draft the contract and the people that have to deal with the clause that was drafted.

*Mr. Jeydel:* I think we’ve always referred to that as the great divide. The people who end up drafting the contracts tend to be corporate people. The litigators then inherit these clauses they don’t like and are constantly castigating those who drafted them. I think most of the large law firms that deal with this on a regular basis have managed to integrate people. The problem is, at our level, I think I’m a little unusual because I end up having to defend that which I’ve drafted.

*Ms. Peterson:* You can’t blame the drafter then.

*Mr. Jeydel:* I try. I have a schizophrenic view of a lot of that, but it is a real problem, and I think it's compounded by the fact that we don't yet have the empirical data that shows what parts of what accepted boilerplate have been working well. I think that the AAA's Global Research Center is going to help us determine what clauses really work in international and various domestic contexts, so we have a little bit better boilerplate guide.

In "Finding The Most Efficient Forum for Resolving Disputes in Today's Corporate World," The Metropolitan Corporate Counsel, December 2004, he wrote of the "vital" role of standard arbitration pre-dispute clauses in B2B Terms and Conditions and the importance of an ADR professional who knows the industry and legal landscape of a dispute. In "Mandatory Arbitration Losing Appeal Among Employers," in Business Insurance (May 10, 2004), he praised "reputable providers" such as the AAA who do not allow employers to "stack the deck" against employees in arbitration by insisting on due process protocols and agreements that are fair to both employers and employees.

Outside the law, Rick was an avid skier and outdoors person, as evidenced by his garb and active membership in the Union County Hiking Club.

After graduating from Sarah Lawrence College (AB-1972) and Harvard Law School (JD-1975), he served as a captain in the U.S. Army, Judge Advocate General Corps. He was at McCarter & English from 1976 to 1979, before joining Kanematsu. He was a member of the Bars of the States of New Jersey and New York, and the federal courts in New Jersey and New York, and the Third and Fifth Circuits.

To honor Rick, the Inn has bestowed the Jeydel Award annually to "an outstanding member of the Inn in recognition of his or her demonstrated civility, professionalism, ethics and excellence in ADR" and emulating his dedication and spirit: Terry L. Trantina, Esq. (2010); Robert E. Margulies, Esq. (2011); Robert J. Lenrow, Esq. (2012); Justice Helen E. Hoens (2013); John J. Harper, J.S.C. (Ret.) (2014); Hal Braff, Esq. (2015); Terri Roth Reicher, J.D. LLM (2016); Richard H. Steen, Esq. (2017); Laura A. Kaster, Esq. (2018); Nicholas Stevens (posthumously) (2019); Robert E. Bartkus, Esq. (2020).

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