

Alternative Dispute Resolution

Courtroom litigation can be a prolonged and expensive ordeal. Fortunately, we have alternatives.

According to recent statistics, fewer than 5 percent of civil cases go to trial—fewer still for specific types of matters. This shifting business litigation landscape has placed a higher value on less costly and more expedient alternative dispute resolution (ADR) options, and businesses have increasingly turned to mediation, arbitration, and other dispute resolution methods to help resolve potential conflicts.

Howard & Howard litigators have a long history of successfully representing both plaintiffs and defendants in the courtroom. Our dispute resolution and business mediation practice can leverage that experience, acting as both advocates and neutrals (arbitrators and mediators) to assist parties in resolving their disputes out of court. ADR has several variations:

- Arbitration
- Mediation
- Med-Arb
- Summary jury trials
- Mini-trials
- Early neutral evaluation
- Private facilitation
- Pre-suit negotiation

ADR can offer additional advantages beyond saving time and money:

- Narrowing of the issues to be determined
- Flexibility regarding scheduling, the number of witnesses, and presentation of testimony
- Discretion relative to evidentiary rules, procedures, and venue
- Confidentiality of proceedings and outcomes
- Binding or non-binding results

We have experience as both ADR advocates and neutrals in a variety of matters, including:

- Business, contract, and commercial disputes including business torts
- Shareholder, partnership, and corporate governance/dissolution issues
- Bankruptcy and creditors' rights
- Class actions
- Fraud, misrepresentation, and RICO actions

- Real estate disputes
- Professional negligence
- Personal injury
- Construction
- Unfair competition and deceptive trade practices
- Franchise disagreements
- Misappropriation of trade secrets
- Non-competition and non-solicitation agreements
- Trademark, trade dress, and brand protection
- Employment discrimination and harassment
- Wrongful discharge and retaliation

Once considered experimental, ADR and its different variations are now widely accepted. The ADR lawyers at Howard & Howard have long embraced arbitration, mediation, and other forms of dispute resolution to protect clients' rights and interests. Their training and experience have positioned our ADR attorneys as go-to arbitrators, mediators, and neutrals for parties involved in litigation.