

Alternative Dispute Resolution Procedures (ADR)

ADR procedures continue to eclipse the jury trial as the preferred means of settling disputes. Kilpatrick Townsend litigation partner **Rich Keshian** hosted the third in a series of CLEs for legal professionals, on “Alternative Dispute Resolution Procedures: Winning Without Going to Court,” which analyzed the most prominent alternative dispute resolution procedures and provided practical guidance regarding the advantages and disadvantages of each, as well as tips on how to maximize their effectiveness.

Three key takeaways from the presentation include:

1

Courts and litigants are increasingly using ADR procedures, rather than jury trials, to resolve disputes. It is essential that litigation counsel consider the use of mediation, arbitration, summary jury trial and related procedures in order to determine the most effective and efficient means of resolving disputes for their client.

Preparation for the mediation conference should include preparing a critical information analysis, thoroughly valuing the case, preparing a negotiation strategy and determining what information should remain confidential, even from the mediator. The entire settlement should be reduced to writing before the conference concludes, with no additional settlement documents to be negotiated in the future.

2

3

Arbitration clauses in business contracts, or agreements between disputants in a controversy should be considered if any of the following attributes are desired by your client: time and cost, flexibility, simplified and relaxed rules of evidence and procedure, expertise of the fact finder, privacy, enforceability, control and finality.

For more information, please contact Rich Keshian at rkeshian@kilpatricktownsend.com.