

## Litigation and Alternative Dispute Resolution

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### Alternative Dispute Resolution

#### Contact

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Most lawsuits are resolved before trial. But by the time this happens, the cost and disruption to the parties can be substantial. It is far less expensive and disruptive to resolve disputes through alternative dispute resolution (ADR), which is why Garvey Schubert Barer offers a broad base of legal talent skilled in resolving disputes outside the courtroom. The two most common forms of ADR are mediation and arbitration.

A good indicator of the depth of our ADR practice is the impressive list of credentials our attorneys bring to this practice. For example, our lawyers have served as

- ▶ Deputy Legal Advisor to the U.S. State Department responsible for the establishment of the Iran–United States Claims Tribunal at the Hague
- ▶ Adjunct Professor, International Commercial Arbitration, Georgetown University Law Center
- ▶ Consultant for political risk insurer in Argentine expropriation cases
- ▶ Member of Washington State Bar Association task force that reviewed and commented on the Uniform Mediation Act and the Revised Uniform Arbitration Act
- ▶ Member of the Oregon State Bar Alternative Dispute Resolution Section Executive Board
- ▶ Adjunct Professor, Conflict and Dispute Resolution, University of Oregon School of Law
- ▶ Member, Oregon Governor's Steering Committee on Alternative Dispute Resolution
- ▶ Moderator of a panel presentation on ADR in property tax disputes at the 25th Annual Conference of the Institute for Professionals in Taxation in Nashville, Tennessee
- ▶ Fulbright grantee at Comenius University, Bratislava, Slovakia, in international dispute resolution
- ▶ Panel member of mediators for Supreme Court of the State of New York, New York County

#### Mediation

The mediation process brings parties together before a "neutral." This person has special training to facilitate productive discussions aimed at reaching a settlement. In recent years, our firm's ADR lawyers have achieved exceptional results for mediation clients across a broad range of legal areas. These include business and personal injury cases, labor and employment disputes, tax matters, and more than 100 condemnation cases. In addition, Garvey Schubert Barer's attorneys serve as mediators for the prestigious American Arbitration Association.

#### Arbitration

Our ADR lawyers are also skilled in arbitration, the most common form of dispute resolution for business and commercial matters. With arbitration, the parties to a dispute refer it to one or more arbitrators whose decision, known as an award, is binding, much like a court's ruling.

Garvey Schubert Barer's lawyers act as both arbitration neutrals and advocates. As neutrals, our lawyers are members of a number of organizations providing arbitration services. These include the American Arbitration Association Advisory Council and its Employment Mediation and Arbitration and Commercial and Securities panels. In our role as advocates for arbitration clients, our firm has achieved favorable awards for a variety of clients. We recently represented or are now representing clients in arbitration proceedings involving an international class action dispute, dozens of broker-dealer disputes, an intellectual property licensing case and real estate disputes.

#### Win<sup>2</sup>

Consistent with Garvey Schubert Barer's commitment to ADR, we have developed a unique process known as Win<sup>2</sup>. It enables

parties to a filed or threatened lawsuit to assess early on whether their dispute can be resolved constructively, before they have spent substantial amounts on legal fees and their positions have hardened.

Based on a collaborative discussion model, Win<sup>2</sup> is designed to resolve most litigation within two months of a lawsuit being filed. Every dispute in which we have used Win<sup>2</sup> — more than 50 — has been resolved without significant discovery, cost or disruption to our client's operations.

[Download the Win<sup>2</sup> brochure.](#)