

Arbitration and Mediation

Litigation can be risky and expensive. Many businesses now avoid complicated and protracted legal battles in the court system by turning to Alternative Dispute Resolution (ADR)—most frequently, mediation and arbitration. At Gordon Arata Montgomery Barnett, many of our lawyers are trained and experienced mediators and arbitrators—dedicated to conducting these processes with integrity, credibility and a strong commitment to fairness.

Mediation is a nonbinding alternative to traditional litigation. The goal of the mediation process is to assist the litigants in reaching an amicable resolution by settling their lawsuit and dismissing any pending court action. Mediation is attractive to businesses because it allows the parties more flexibility in resolving their claims by reaching a business solution. The mediator facilitates a dialogue between the parties to assist them in understanding the relative strengths and weaknesses of the positions so that each party may better evaluate the claims for settlement purposes. When parties are open to this process, a solid mediator can help the parties reach a fair settlement, even when the parties have lost hope that settlement is a realistic possibility.

Our mediators use their legal experience and strong business acumen to assist others in settling their cases. While the ultimate goal is to help the parties reach a settlement, we believe it is important that each side walks away from the process knowing that they have reached a fair result. We are committed to helping them do this through mediation.

Arbitration, unlike mediation, is a binding form of ADR that employs one or more arbitrators who listen to both sides and make a final decision, much like a judge would do. Unlike litigation, in arbitration the parties have some control over who will act as their arbitrators. Also unlike litigation, a final decision resulting from arbitration generally cannot be appealed. This can eliminate months or even years of post-trial appellate proceedings. The absence of an appeal process is one of the main advantages to arbitration, saving the parties time and money.

Commercial businesses such as energy and construction companies seek out our arbitrators because of their reputation for unquestionable integrity, legal scholarship and seasoned business judgment. They also seek our counsel to draft the most appropriate contract dispute resolution provisions for their businesses.