

Inside the Minds, Preparing for Alternative Dispute Resolution Cases

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The three most important areas that make a successful ADR attorney include being familiar with the arbitration rules and procedures; knowing the differences between arbitration and litigation; and becoming familiar with the quality arbitrators who are available.

A successful ADR negotiation is one whereby the dispute is resolved; the parties reach a settlement of the claims; and they do not need to litigate or arbitrate the matter any further. In order to reach such a conclusion in an arbitration matter, I always advise my clients to be careful what they wish for. They have to decide going forward what they really expect from the proceeding; they have to determine how much discovery they want versus how much is available under the arbitrator's rules; and they have to know that arbitration is a final and binding process, one that more likely than not cannot be challenged effectively by judicial review or post-arbitral award review—indeed, it is sometimes an all-or-nothing proposition. Once you entrust the case to arbitration, you are going to have to comply with the decision that results from the process.

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