

ARBITRATION & MEDIATION



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Jimerson Birr lawyers offer services in both facets of alternative dispute resolution: (1) appearing as advocate in mediation and arbitration proceedings, and (2) serving as mediator or arbitrator in the resolution of disputes.

As practitioners, so long as the matter and parties are well-suited, we often push our clients to explore dispute resolution through mediation. Our experience has shown us that the informal and flexible process of mediation is ripe when parties want to get on with their business and their lives. We feel that mediation is an option to consider at all stages of litigation, as mediation allows for an earlier and cheaper solution than is possible through protracted litigation. Parties who negotiate their own settlements have an equal say in the process and garner more control over the outcome of their dispute. History has shown us that clients are generally more satisfied with solutions that they have had a hand in creating, as opposed to solutions that are imposed by a third-party decisionmaker. Mediated settlements that address all parties' interests often preserve working relationships in ways that would not be possible in the win/lose decision-making process of trial. Conversely, if mediation is handled professionally, it can make the termination of a working relationship more amicable.

When serving as mediators, our experience in the representation of both plaintiffs and defendants in many realms of litigation provides our senior mediating lawyers with valuable, balanced insight into the perspectives of all the parties to a dispute. Our experience-based capacity to view each dispute from all sides allows our senior mediating lawyers to act as effective, candid, and professional brokers in cases that contain seemingly obdurate negotiations.

As practitioners, we fully appreciate that the arbitration process can be swifter, cheaper and certainly more confidential than litigation in court. The private nature of hearings and largely confidential nature of arbitral awards often positively influence the substantive outcomes of cases on the front and back end. Our attorneys see the arbitration process as an opportunity for businesses to participate in the process and procedure of resolving differences in a manner that is tailored to their particular dispute without being bound by the often-rigid civil procedure rules of state and federal courts. Where appropriate, Jimerson Birr works with clients to appoint arbitrators with industry knowledge or experience, which makes them better suited to understand and decide the case. While much depends on how arbitration clauses are drafted and what decisions are made during an arbitration, Jimerson Birr attorneys are comfortable in guiding clients through the flexible and less formal process of arbitration.

When serving as arbitrators, Jimerson Birr lawyers strive for the highest standards of integrity in reaching fair and just results for the parties. Our senior arbitrator attorneys are knowledgeable about the law, attuned to industry-specific issues, willing to undertake in-depth legal or factual analysis, employ sound judgment, and able to write decisions that are clear and cogent. Our arbitrators will make coherent, rational, and informed decisions that will stand up to close scrutiny. As stewards of the arbitration process who swear oaths, our arbitrators are open-minded, good listeners, and when required, engaged decision makers who are unafraid to ask questions that get to the heart of the issue before the panel. They are both comfortable with arbitrable authority and able to recognize its limitations.

Attorneys

