

# ALTERNATIVE DISPUTE RESOLUTION

## Alternative Dispute Resolution Lawyers Assisting Clients Throughout Pennsylvania and New Jersey

Alternative Dispute Resolution (ADR), whether it be mediation or a dispute review board (DRB) or arbitration, is an integral part of litigation. It affords parties to a dispute the opportunity to reach a resolution based on sound business judgment. Parties engaging in ADR are able to control their own destiny, as opposed to a court or an arbitrator deciding it for them.

Kaplin Stewart ADR attorneys are skilled advocates. Working closely with their clients, they craft effective strategies based upon a realistic assessment of the strengths and weaknesses of a client's case.

Kaplin Stewart ADR attorneys enjoy serving with distinction as neutrals for organizations such as the American Arbitration Association and the National Academy of Distinguished Neutrals. We are able to "think out-of-the-box", to craft practical solutions to complex legal problems.

The experience gained serving as the mediator or arbitrator provides us with a unique perspective when representing a client in ADR. The skill set of our ADR attorneys enables Kaplin Stewart to effectively advocate on behalf of a client at mediations or arbitrations or before DRB's.

## Catalog of Services Offered by our ADR Professionals

### MEDIATION

Mediation is a confidential, non-binding process in which the parties, using the services of one of our experienced attorneys, engage in meaningful settlement discussions with the ultimate goal of bringing closure to the dispute. Our skilled mediators facilitate communications between the parties, sometimes in joint sessions, and at other times in caucuses, the purpose of which is to probe and challenge positions, some of which are firmly held by the parties. Many contracts require mediation as a condition precedent to arbitration or litigation. It is not uncommon for the parties to agree to submit a dispute to a mediator for resolution, or submit a dispute to mediation by directive of the Court.

### ARBITRATION

Although arbitration is under the rubric of ADR, it is nonetheless an adversarial process similar in many ways to litigation. Most arbitrations are held before a single arbitrator; larger cases are often heard by a 3-person panel. Similar to a court proceeding, an arbitration can include pre-hearing discovery consisting of an exchange of documents and in larger cases, depositions of a limited number of key witnesses. Arbitration has evolved into motion practice, and arbitrators having the authority to grant dispositive motions under the rules of most ADR providers. By submitting a dispute to arbitration, the parties agree to be bound by an arbitrator's decision, which may be confirmed and entered as a judgment in state or federal courts. The pros of arbitration are that there is a degree of confidentiality, important to parties in high profile cases who seek to avoid adverse publicity. The case will typically be heard by an arbitrator or arbitrators with industry experience; the process, if managed properly, is cost effective in that the discovery is limited and an experienced arbitrator effectively manages a case so as to eliminate repetitive testimony and moves the case to a speedy conclusion.

## PRIVATE TRIAL/JUDGE PRO TEMS

Our dispute resolution professionals are able to conduct a "private" trial. A private trial is conducted in the same manner as a courtroom proceeding, administered under court rules. When a judge *pro tem* presides, all original documents must be filed with the Court. The judge *pro tem* is provided with a copy of all time-stamped documents. At the conclusion of the case, the judge *pro tem* renders a verdict and is further empowered to hear post-trial motions. The verdict of a judge *pro tem* is appealable in the same manner as any court-rendered verdict.

## DISPUTE REVIEW BOARDS ARE COMMONLY EMPANELED IN CONNECTION WITH LARGE CONSTRUCTION PROJECTS

Individuals are selected to serve on a DRB before a dispute arises. The purpose of a DRB is to have early intervention so as to prevent a small dispute from becoming a larger one. It is an effective process. The DRB members are typically comprised of industry experts familiar with construction expertise.

Of course there are many other forms of dispute resolution procedures, familiar to Kaplin Stewart's dispute resolution professionals. Having served on many arbitration panels and having mediated many cases, Kaplin Stewart's dispute resolution professions are able to provide our clients with early case assessment.

## Contact our Alternative Dispute Resolution Attorney Today

Learn how our attorneys can help you advance your business objectives. We encourage you to schedule a consultation today. We service businesses and other entities with offices in Philadelphia and Blue Bell, Pennsylvania as well as Cherry Hill, New Jersey. Contact us online or by phone at 610-260-6000 today to arrange a consultation.