

# Alternate Dispute Resolution

## OVERVIEW

Traditional dispute resolution through litigation can have substantial limitations; the interests of the litigants may often be better served by trying to resolve their problems outside of the courtroom. Sometimes the litigation process can wear out and wear down both the parties and their pocketbooks, making it a “lose-lose” situation. In many cases, alternative dispute resolution (ADR) is an effective alternative to litigation. ADR often can resolve claims at a fraction of the cost without the delays and unnecessary aggravations of civil litigation, and it can do so in a private, confidential setting. Unlike litigation, ADR offers many different options that can be tailored to the specific needs of the disputing parties. One is mediation, where the parties voluntarily agree to submit their dispute to a mutually acceptable neutral mediator. The mediator then engages in a nonbinding, consensual, and confidential process of facilitating communication, thereby enabling the parties to reach a settlement. Another type of ADR is arbitration, where the parties agree to have their disputes resolved by someone other than a judge.

Eckert Seamans’ attorneys have substantial experience in all areas of ADR, having collectively mediated or arbitrated hundreds of cases. We often serve as neutrals who mediate and/or arbitrate disputes. In addition, we routinely represent clients who by contract or by consent have agreed to an out-of-court process in an effort to resolve their disagreements. Several of our attorneys have been appointed to the prestigious Panel of the American Arbitration Association and regularly mediate or arbitrate disputes involving non-clients. The courts routinely call on many of us to serve as mediators and arbitrators of disputes where a lawsuit has been filed.

Our attorneys also have substantial experience in representing clients in large and complex matters in all types of ADR settings. On the mediation side, we have represented clients in mediating disputes across the country involving nationally prominent mediators and successfully resolved difficult disputes involving numerous parties and with tens of millions of dollars or more at stake. On the arbitration side, firm attorneys are routinely trying large and small cases before various arbitrators and arbitration panels, including numerous proceedings under the auspices of the American Arbitration Association, JAMS, New York Stock Exchange, Philadelphia Stock Exchange, and National Association of Securities Dealers.

Our attorneys regularly serve as arbitrators for the American Arbitration Association and in private arbitrations. They also are called on to serve as mediators in disputes.

## REPRESENTATIVE MATTERS

- Representation of owner in 17-day arbitration involving multimillion-dollar claims, including defective work, overcharge, overpayment, and copyright claims, arising out of a design-build contract for the construction of a \$22 million project.
- Representation of major league baseball team in two four-day arbitrations involving issues of compensation to displaced minor league franchises in south Florida arising out of the taking of their territories.
- Representation of dismantling contractor in two 30-day arbitrations and one seven-day jury trial against steel producer involving dismantling contracts at various facilities across the country.
- Representation of a mobile lithotripter service in a four-day arbitration against an ambulatory care center in a dispute involving a “take or pay” contract resulting in a \$1.88 million award to the service.
- Mediation of consumer class action involving aspirin combination products.
- Mediation/settlement negotiations of the lost profit claims of thousands of rice growers (\$750 million settlement), rice mills (claims exceeding \$200 million), importers and exporters of rice, rice dryers, and rice brokers in the genetically modified rice mass tort litigation as well as individual cases.
- Participated in both settlement discussions and mediation of multiple groups of plaintiffs claiming

personal injury from cholesterol-lowering medication Baycol.

- Mediation of multiple groups of plaintiffs claiming personal injury from phenylpropanolamine (PPA), which was used in cough/cold medicines.
- Mediation and settlement negotiations regarding the claims for personal injury of plaintiffs in the YAZ/Yasmin mass tort litigation, including subgroups claiming venous thromboembolism (VTE) injury, gallbladder injury and arterial thromboembolism (ATE) injuries.
- Mediation of a group of more than 120 plaintiffs who had contracted HIV/AIDS from blood products. All but three of these cases settled at or shortly following the mediation.