

JAMS ADR Strategies for In-House Counsel

Maximize the benefits and minimize the costs of dispute resolution.

ADR is no longer the exception—it's the rule. At least half of Fortune 1000 corporations now use ADR as a principal means of resolving domestic and international disputes. Companies both large and small choose ADR because it saves time and money and provides a range of options for resolution by a retired judge or attorney-neutral with relevant expertise in a private, confidential setting. Avoiding protracted litigation helps businesses preserve critical relationships, keep important projects on track and minimize legal costs.

JAMS provides effective options at every stage of the process:

Customized ADR Programs

- **Design and implementation of company-sponsored ADR programs**, including those required in response to:
 - catastrophic events such as natural disasters and accidental or negligent acts
 - class actions and mass torts
 - disputes that impact or have potential to impact business
- ✓ **Initiate programs whenever the need arises** — before, during or after a causative event or in response to settlement decrees or court orders
- ✓ **Tailor the mediation or other ADR process** to suit your specific needs
- ✓ **Scale the program** to meet the unique demands of your company

Pre-Conflict Agreements

- **JAMS Clause Workbooks**, comprehensive guides to drafting ADR clauses for domestic, international and cross-border commercial contracts
- ✓ **Determine how to resolve** disputes before they arise
- ✓ **Avoid litigation** by stipulating to mediation and/or arbitration
- ✓ **Minimize the cost** of resolution with a carefully crafted ADR clause

Dispute Avoidance/ Negotiation

- **Negotiation Skills Training** and other JAMS Continuing Legal Education programs on successful conflict management
- ✓ **Learn negotiation, settlement** and other effective ADR techniques from highly skilled practitioners
- ✓ **De-escalate and resolve** problems before a costly lawsuit is filed

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Early Intervention

- Pre-Dispute Mediation
- Structured Negotiations
- Project Neutrals
- Ombudsperson

- ✓ **Retain control** by handling matters in-house
- ✓ **Collaborate on solutions** with respected neutrals who have substantive experience

Neutral Analysis

- Early Case Assessment
- Neutral Evaluation
- Mock Trials

- ✓ **Assess risk** and estimate reasonable settlement costs
- ✓ **Choose the optimum means** of final resolution based on the evaluation of a retired judge or attorney-neutral

Special Masters & Referees

- Special Masters
- General, Discovery, and E-Discovery Referees
- Technical Special Masters/Forensic Neutrals

- ✓ **Design manageable ESI, discovery and settlement processes** to mitigate cost using an accessible neutral
- ✓ **Mediate** discovery disputes
- ✓ Use technical neutrals to **forensically analyze digital evidence**

Mediation

- Evaluative Mediation
- Facilitative Mediation

- ✓ **Save significant time and money**
- ✓ **Preserve critical relationships**
- ✓ **Craft a mutually acceptable solution** via a consensual process

Arbitration

- Arbitration of Domestic, International and Cross-Border Disputes
- Expedited Procedures
- Appeals Process

- ✓ **Select a neutral** with relevant expertise
- ✓ **Control the process** with custom JAMS Arbitration Rules & Procedures
- ✓ **Mitigate discovery costs** upfront by partnering with parties, counsel and an experienced JAMS arbitrator on a discovery plan
- ✓ **Preserve the right to appeal**