

# 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**