

Alternative Dispute Resolution

Alternative dispute resolution provides a cost-effective alternative to litigation by resolving disputes procedurally without initially reporting to the control of the judicial system. The two most common vehicles of alternative dispute resolution are (1) arbitration and (2) mediation.

ARBITRATION

Parties submit their dispute to an established entity independent of the court system, most commonly the American Arbitration Association, which serves as the administrator of the dispute resolution process. Alternatively, parties may undertake private arbitration, agreeing to be governed by the arbitration statutes of the State of Ohio. Effectively, winning an arbitration award is equivalent to a judgment rendered by a court of law.

MEDIATION

Mediation is a non-binding, voluntary meeting of the parties conducted before an experienced mediator. Disputes and negotiations are guided and governed by the mediator. Should mediation prove unsuccessful, the arbitration process is oftentimes used as the dispute resolution process rather than by proceeding with litigation through the Courts.

PRIMARY BENEFITS OF ALTERNATIVE DISPUTE RESOLUTION

- Expense – Although initial filing fees of the American Arbitration are higher than court filing fees, the overall savings in time and money is oftentimes significant due to the limited hearings and paperwork involved in arbitration. Costs and attorney fees involved in arbitrations are often significantly less expensive than litigating through the court system.
- Speed
 - Arbitration – typically ninety (90) to one hundred fifty (150) days
 - Mediation – can be conducted in as few as thirty (30) days
- Experience of Arbitrator – Judges may have little (if any) knowledge as to a particular business or real estate issue, particularly with sophisticated commercial dealings. Only knowledgeable and experienced arbitrators and mediators are permitted to serve. This allows for arbitrators and mediators to better understand the relevant facts of each case and either issue a well-reasoned award or move the parties toward resolution in a meaningful (and usually successful) negotiation and settlement.
- Final and Conclusive Nature of Award – Arbitration awards and mediated settlements are final and binding.
- Confidentiality - Arbitration and mediation proceedings are confidential and, therefore, particularly sensitive matters are not subject to public scrutiny, nor do they become public record.