

Alternative Dispute Resolution

For many clients, an excellent substitute for the time, expense, and risk of a traditional trial is alternative dispute resolution, or ADR. As its name implies, ADR is an alternative approach to resolving disputes that involves management of the proceedings by third parties, and the use of a private forum for adjudication. The ADR practice at Rothwell Figg is experienced both at advocating for our clients in these proceedings, as well as serving as neutral adjudicators.

ADR can come in many forms, including arbitration, mediation, simple negotiation, or an agreed-upon hybrid of these. In patent disputes, with a great deal at stake and highly complex facts, it's essential to work with counsel that understands both the ins and outs of assembling a strong case, and negotiating a resolution. At Rothwell Figg, we have considerable experience at both.

Seeking to resolve a dispute through ADR can provide a more efficient and commensurately lower cost process. It can serve as a vehicle to minimize considerable risk, cost, and delay often associated with litigation. Without the formalities and intricate processes of a courtroom trial, ADR can be both faster, and significantly less expensive than a judicial alternative. Achieving this end takes careful, expert management of the proceedings, and a facility with this highly specialized form of advocacy.

As one example, ADR assumes that there are agreements in place that spell out specifically how the proceedings will be conducted. But an incompletely-defined arbitration agreement can result in ADR that is as complex and expensive as litigation. The Rothwell Figg ADR team is experienced at drafting effective, clear, cost-saving ADR agreements, or in their absence, negotiating cost-effective procedural guardrails.

Although ADR is not litigation, it does leverage our knowledge, expertise, and familiarity in the courtroom. It also, however, demands its own unique skill set, strategies, and negotiation skills. We have managed hundreds of these matters, and also served as both neutrals and party-appointed arbitrators. As with any kind of dispute resolution, there is no substitute for experience. Our attorneys are exceptionally conversant with the nuances of an ADR proceeding, and skilled at smoothly and effectively moving towards, and achieving, a desirable conclusion.

The purpose of every form of dispute resolution, whether a trial or ADR, is the same: to bring the proceedings to a definite end, to settle the matter once and for all, and to allow the parties to get on with their businesses. ADR can be a more direct, efficient route to this destination, and one that at Rothwell Figg, we've helped many clients travel.