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# Alternative Dispute Resolution

The Firm's Alternative Dispute Resolution (ADR) practice is dedicated to the use of established and emerging techniques to resolve its clients' disputes while seeking to avoid the financial and emotional costs of protracted litigation.

Wherever feasible, McLaughlin & Stern seeks to keep its clients out of court or to help extricate them from litigation in which they may have become bogged down. Its ADR practice works with clients and their counsel to select an ADR technique appropriate to the facts and most likely to succeed in resolving it. These include not only the old standbys of mediation and arbitration but also newly recognized and/or increasingly popular processes and techniques such as Collaborative Law, Settlement Counsel, Cooperative Negotiation Agreements, Med-Arb and Early Neutral Evaluation.

The ADR practice is geared to serve both individual and corporate clients. Its methods have already gained special recognition and praise from in-house counsel whose priorities include the containment of litigation costs, and divorcing couples who wish to part amicably and bypass the pain and cost of adversary court proceedings. Functioning in various capacities relative to these ADR processes (including acting as neutrals or advocates in them and/or facilitating arrangements for them) our lawyers work closely with the Firm's other practice areas, including litigation, maritime and commodity trading, family law, trust and estates, entertainment, corporate and real estate.

The Firm's lawyers have extensive experience as counsel, arbitrators, and legal experts in commercial arbitration in a wide range of different arbitration fora around the world, including arbitrations before the International Centre For Dispute Resolution, the American Arbitration Association, the Society of Maritime Arbitrators, Inc., ICE, Intercontinental Exchange, Coffee, Sugar & Cocoa Exchange, the International Chamber of Commerce, and ad hoc arbitrations arising out of both commercial and private disputes.

The Firm's lawyers have regularly persuaded the courts and arbitrators to expand the power of arbitrators. For instance, Partner Jack Vayda won precedent-setting cases in both the courts and in arbitrations by which arbitrators now have the power to order a party to post security in favor of another party. He has also obtained arbitrators'



award of RICO damages, which award was affirmed by the Court of Appeals, *Kerr McGee Refining Corp. v. Triumph Tankers Ltd.*, 934 F.2d 467 (2nd Cir. 1991), and the Supreme Court cert. denied 112 S.Ct 81 (1991). The Firm's lawyers have chaired industry-wide committees which have been involved with development of the now strong trend among arbitrators to award attorneys' and arbitrators' fees in favor of the prevailing party in arbitration.

The Firm's lawyers regularly lecture and teach at arbitration conferences and fora around the world, such as the International Congress of Maritime Arbitrators.