

Federal rules and Missouri statutes wisely provide – and urge parties to participate in – alternative dispute resolution (“ADR”) methods for the resolution of disputes without court litigation. The suggested methods are arbitration and mediation as well as the lesser used methods of early neutral evaluation, mini-trials and summary jury trials.

## Arbitration

Using this method, parties retain trained arbitrators (usually experienced attorneys) to hear and provide a binding decision. Arbitration is, in most instances, significantly faster and less expensive than litigation in court. It is, however, still adversarial.

## Mediation

In **mediation**, the parties retain a trained mediator to facilitate settlement discussions outside of court. This process creates a dynamic which is usually much more effective than the parties’ and counsels’ attempts to settle disputes on their own. The mediator does not decide the dispute but rather injects suggestions and friendly and objective analyses in discussions with the parties and their counsel. More often than not, and certainly more often than the attempted efforts without this dynamic, mediation is likely to result in settlement. And the terms of the settlement are set by the parties, not by judges or arbitrators.

Both federal and state law provide that alternative dispute resolution proceedings must be confidential. Therefore, statements made in the course of these methods may not be used by either side in the event of litigation. Although the courts urge litigants to participate in either or both arbitration and mediation, both may be undertaken without a lawsuit ever being filed.



Therefore, unless the parties make the ADR proceedings public, the fact of their being initiated does not reach the press or otherwise become public, adding to the confidentiality of the proceedings. This factor also increases the possibility that the parties may continue their relationship after the dispute is decided or settled.

Danna McKitrick attorneys have much training and experience in these methods of alternative dispute resolution, both representing parties and acting as neutrals assisting other parties to resolve their disputes. This experience also includes teaching law school courses and writing articles for other attorneys on ADR.

## INDUSTRIES

- Banks & Financial Institutions
- Business Organizations
- Condominium & Homeowner Associations
- Construction
- Families & Individuals
- Government-related Entities
- Health Care Industry
- Insurance Industry
- Manufacturers & Distributors
- Nonprofit Organizations
- Real Estate
- Restaurants & Entertainment
- Start-ups & Emerging Businesses
- Technology
- Transportation Industry

## PRACTICE AREAS

### Alternative Dispute Resolution

- Bankruptcy & Creditors’ Rights
- Business Advisory
- Employment Law
- Estate Planning
- Health Care Law
- Insurance
- Insurance Planning
- Intellectual Property
- Litigation
- Probate
- Professional Liability Defense
- Public Pensions & Government Litigation
- Real Estate Law
- Tax
- Title & Boundary Disputes
- Workers’ Compensation