

# Practices

## Related Practices

Fiduciary and Receiver Representation  
Environmental Litigation  
Breach of Contract  
Labor and Employment  
Corporate Asset Affirmative Recovery Practice

## Related Sectors

Energy and Natural Resources

## Initial Contacts

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## Alternative Dispute Resolution, US Domestic Arbitration, and Mediation

With decades of experience representing clients in complex litigation throughout the U.S. and abroad, Diamond McCarthy lawyers are skilled at multiple, flexible processes to resolve business conflicts and issues. As the risks and costs of courtroom battles continue to escalate, our team is committed to utilizing mediation, arbitration and other creative, value-driven alternatives to streamline the dispute resolution process and achieve the best possible outcome for our clients.

Our Alternative Dispute Resolution (ADR), Mediation & Arbitration team is comprised of trial lawyers, neutrals and advisors who are respected thought-leaders on ADR procedures, serve on mediation and arbitration rosters, and have undergone rigorous training at top-ranked programs such as The Program on Negotiation at Harvard Law School and the Straus Institute for Dispute Resolution, affiliated with Pepperdine School of Law.

We have broad and deep experience working with ADR professionals from the leading providers across the country, including the American Arbitration Association (AAA), the International Institute for Conflict Prevention & Resolution (CPR), Judicate West in California and JAMS Houston, Dallas, New York and California. As a result, we bring valuable skills and insights to every dispute, whether we're analyzing how a mediator or arbitrator may assess a case or advocating our clients' positions with sharp focus and efficiency.

### Arbitration

Diamond McCarthy's deep experience in the nuances associated with the arbitration process, both internationally and domestically, is a powerful advantage. We have led clients to positive outcomes in arbitrations in major industries in complex area of law, most notably distressed company litigation and bankruptcy, corporate fraud, professional malpractice, employment claims, energy disputes, financial institution litigation.

In addition, our team members are in high demand to serve as neutral and party-appointed arbitrators in all types of commercial and employment disputes.

### Mediation

Our team includes highly skilled attorneys who have been trained in creating solutions and are dedicated to helping clients avoid the cost of a trial, minimize business disruptions and preserve important relationships after a dispute is over. We handle every aspect of the mediation process, including selecting the appropriate mediator for the case, customizing the session and negotiating powerfully to reach an effective compromise if possible.

When acting as neutral mediators, we focus on balancing the parties' competing goals and unraveling the problems that prevented them from resolving the dispute on their own. We excel at helping parties find common ground regardless of the complexities of the case, the personalities involved or the dollar amounts at stake.

### Strategic Counseling on Dispute Resolution Processes

We understand that a business wants to get past a dispute and get back to business. Counseling clients on the procedures available to resolve disputes outside the courtroom is a unique feature of our practice. We help clients choose and customize the best process to achieve their business goals and maximize value, whether it involves informal negotiations, mediation, arbitration, early neutral evaluations, or private trials.

Transparency is one of our core values, and we go above and beyond to ensure that clients are well-informed about the risks and costs of entering litigation. Many clients hire our team to prepare a comprehensive pre-suit evaluation with a realistic assessment of the strengths and weaknesses of the case, the likelihood of success at trial or final arbitration and the projected costs to go the distance.

Our team also works in the background in many cases, providing strategic guidance to inside counsel litigators regarding ADR process selection and structuring, presentation techniques and negotiation tactics.

### Corporate Asset Affirmative Recoveries (CAAR) and Dispute Prevention

Diamond McCarthy knows the legal department's main mission is to preserve or enhance business options. CAAR directly aligns the legal function with business interests, boosting the bottom line, enhancing contract performance and reducing future conflict with difficult suppliers, customers, contractors and others. Once your company is known to insist on first-grade performance methodically and with active support from the law department, its operations and profits will enjoy long-term improvements.

Our practice focused on establishing Recoveries program is designed to assist clients' Legal Departments to customize a disciplined and sustainable business method pursuing value from non-performing trading partners. CAAR programs rely on the use of early case assessment to understand the dynamics of each dispute, and execute an engagement strategy using the spectrum of resolution methods beginning with the least disruptive, and only if necessary, litigation.

### Representative Experience

*For more information on our representative experience please reach out to our initial contacts or email [michael.evian@diamondmccarthy.com](mailto:michael.evian@diamondmccarthy.com).*