

Practices

Related Practices

Alternative Dispute Resolution, US
Domestic Arbitration, and Mediation
Bankruptcy and Insolvency Litigation
Breach of Contract
Environmental Litigation
High Stakes Litigation
Insurance Recovery Litigation
Intellectual Property
International Dispute Resolution

Related Sectors

Healthcare & Life Sciences
Real Estate
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Corporate Asset Affirmative Recovery Practice

Diamond McCarthy's Corporate Asset Affirmative Recovery (CAAR) Practice combines extensive in-house and outside counsel experience to help our clients develop sophisticated methods and programs to protect and recover valuable corporate assets.

The bedrock of our turn-key solution is an advisory service designed through the lens of a corporate Legal department. We apply the experience of successfully developed programs, like the DuPont Legal model, and rely on the skillsets of attorneys with vast capabilities in dispute resolution, including negotiation, arbitration, mediation, and litigation. Diamond McCarthy understands that your Legal department must be an active steward of commercial assets and can provide the resources and tools to build a successful CAAR program.

Corporate Asset Affirmative Recovery "CAAR" Programs:

Affirmative Recoveries programs are designed to identify and reduce conflict while nailing down value along the way. When properly implemented, such programs directly align Legal with business objectives by boosting the bottom line, enhancing contract performance, policing and enforcing IP assets, and reducing future conflict with difficult suppliers, customers, contractors, and others. Through a simple yet systematic approach, a centralized core team regularly identifies where the business is leaking value and applies an efficient means to evaluate if a recovery is worth pursuing.

CAAR programs rely on early case assessment to understand the dynamics of each dispute, to execute an engagement strategy using the spectrum of resolution methods beginning with the least disruptive, and resorting to litigation only if necessary.

CAAR programs provide the in-house Legal department with the ability to bring in revenue across diverse quantifiable rights and assets, from cash (royalty payments, settlements, adjustments) to intellectual property rights. As a program builds momentum, its results will enhance Legal's alignment with the business by establishing a reputation that demands first grade performance from trading partners, suppliers, third parties, and customers while instilling standards and consequences if parties fall short of obligations.

Diamond McCarthy's Process:

Diamond McCarthy's Corporate Asset Affirmative Recovery (CAAR) Practice is an advisory based approach that begins with an assessment to identify the potential fit. An Affirmative Recovery program is not appropriate for every company. We begin with a four-step process:

- **Discovery and Evaluation** – Learn about the company, Legal department, and overall business objectives. We place high premium on becoming familiar with the company, its stakeholders, and operations in order to identify potential recoveries and formulate an appropriate strategy.
- **Educate and Inform** – Discuss the different phases, requirements, and expectations of recovery programs with the appropriate in-house counsel and business leaders.
- **Form a Steering Committee – The Recoveries Core Team** – The Recoveries Core Team provides organization, outreach, education, oversight and reporting. The actual work of Recoveries is accomplished using a lineup of business and legal talent.
- **Develop and Implement a Strategy** – Design a program to meet a company's needs. Each CAAR program will have different needs, objectives, and requirements. Our priority is to provide a toolkit of resources to support the Legal department's ability to successfully manage the program autonomously.

Our team can provide an assessment and action plan. This initial evaluation is done to ensure we can recommend well-defined and measurable solutions that make sense for both sides.

To support programs in all capacities, Diamond McCarthy has assembled a team comprised of consultants, former in-house counsel, and strategic partners to complement our attorneys' capabilities with a range of service offerings.

For more information and examples of additional support we provide to clients implementing CAAR programs: [click here](#)

What makes Diamond McCarthy different:

Our mindset: A common misconception is that affirmative recoveries are litigation-driven, and it would be natural to assume Diamond McCarthy's sole objective is to sell our litigation capabilities. But CAAR is not about stirring up litigation. While litigation might be necessary for strategic purposes, we help clients think about the most economical and efficient means to resolve cases. CAAR dovetails with Alternative Dispute Resolution methods to recover value using effective and least disruptive solutions.

Our commitment: CAAR is about Diamond McCarthy's relationship with the clients and our focus on achieving their goals, bringing value, and improving the bottom line. Our commitment to our clients recognizes the importance of collaboration to manage resources, challenges of corporate management, and crucial objectives of recovery. Our approach is to use litigation only as a last resort, but if called upon our goal is to share the economic risk with the client through creative use of alternative-fee-arrangements and contingent fees, and to rely on the exceptional track record and experience of Diamond McCarthy attorneys to prevail.

Our firm: Diamond McCarthy is a national disputes resolution and trial boutique with a strong track record in representing clients both in the US and abroad. Our lawyers have decades of extensive complex litigation and arbitration experience, often recovering assets where none have existed before. For more information on relevant core practice areas please see below.

- International and cross-border litigation
- Complex litigation
- Intellectual property
- Bankruptcy and insolvency litigation