



## Practice Areas

### Alternative Dispute Resolution

Seasoned litigators understand that the courtroom is not always the most effective venue for resolving a dispute. Whether it be an arbitration, mediation, neutral evaluation or other form of alternative dispute resolution, the attorneys of Amster, Rothstein & Ebenstein LLP have the experience and judgment necessary to resolve the dispute. In addition to representing clients in these alternative venues, many of our attorneys have also served as arbitrators and mediators, providing a unique insight into the process.

**Arbitration** is an adjudicative process that resembles litigation in many ways, but is private and less formal and allows the parties (and the arbitrator) to have more control over the format of the process and set the rules in advance. Arbitrations, which can take many different forms, often result in a hearing or trial before the arbitrator. Depending on what the parties have agreed in advance, the decision of the arbitrator may be binding or non-binding and may be grounds for further discussion. Arbitration often arises in the intellectual property context due to an arbitration clause in the license or agreement at issue.

**Mediation** is a conflict resolution process in which a mediator, an independent third party, works to bridge the gap between the parties by facilitating communication between the sides. The mediator may solicit and communicate settlement offers and demands, allow each side to discuss the merits of their case, and even provide recommendations for settlement. Since the goal of the mediator is to help the parties broker a settlement-rather than pass judgment-the decision of the mediator is typically non-binding. Many courts require a form of mediation early in the case and often allow the parties to set their own terms for the mediation process.

**Neutral Evaluation** is a non-binding form of alternative dispute resolution in which a third party provides an assessment of the strengths and weaknesses of each side's case. The neutral evaluator attempts to predict the outcome of the case in an effort to reach a settlement.

While the rules for these processes may be less formal, participating in any alternative dispute requires preparation, strategic planning, and a keen understanding of the client's goals. We partner with our clients to understand their goals and develop a strategy to bring the dispute to



a successful conclusion.

Leading companies have turned to the attorneys of Amster Rothstein & Ebenstein LLP to protect their interests in these non-litigation venues. Our attorneys have experience with all forms of alternative dispute resolution and in diverse subject areas, including battery technology, medical devices, consumer electronics, brand licenses, and others, to protect our clients' interests and to develop creative solutions that can reduce costs and bring a dispute to a successful close.

#### **Industries Served**

- Computer Hardware and Software
- Consumer Electronics
- Financial Services
- Green Technology and Energy
- Internet and e-Commerce
- Life Sciences & Biotechnology
- MEMS & Semiconductors
- Retailing & Apparel
- Toys & Games
- Universities & Research Institutions

#### **Professionals**

##### **Retired**

- Morton Amster

##### **Partners**

- Mark Berkowitz
- Brian A. Comack
- Daniel S. Ebenstein
- Kenneth P. George
- Anthony F. Lo Cicero
- Charles R. Macedo
- Chester Rothstein
- Neil M. Zipkin

##### **Of Counsel**

- Philip H. Gottfried

##### **Senior Counsel**



- Matthieu Hausig
- Marc J. Jason
- Richard S. Mandaro
- Marion P. Metelski

#### Associates

- Jessica Capasso
- Benjamin Charkow
- Suzue Fujimori