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Alternative Dispute Resolution (Arbitration and Mediation)

Pryor Cashman is a leader and innovator in the ever-expanding field of alternative dispute resolution (ADR), encompassing any method of resolving disputes outside the traditional litigation process. Our litigators have represented clients across the U.S. and abroad in hundreds of arbitrations, mediations and other proceedings.

It is our experience that ADR can be essential in furthering our clients' goals and can provide the benefit of faster, less expensive, informal, private and potentially less antagonistic forms of dispute resolution. When the parties to the arbitration have ongoing, long-standing business relationships which they wish to preserve, ADR is an excellent option. With experience and expertise, we guide clients in anticipating and resolving disputes throughout the ADR process.

Our litigators have extensive experience both in the commercial and labor arbitration realms and have appeared in a wide variety of arbitrations, mediations and other proceedings before the American Arbitration Association (AAA), JAMS, FINRA, the National Association of Securities Dealers (NASD), the New York Stock Exchange (NYSE), the Center for Public Resources (CPR), the International Chamber of Commerce (ICC) and the United Nations Commission on International Trade Law (UNCITRAL).

Several of our partners have been and are practicing arbitrators and mediators who know the value of resolving disputes through ADR proceedings and are experienced in doing so from both sides of the table. Please [click here](#) to learn more about our mediation services.

In the commercial area, recent arbitration successes of Pryor Cashman litigators include:

- Obtained a \$12.7 million award, including more than \$1 million in legal fees and costs, against purchaser of medical business
- Obtained a \$2.8 million award for our client in an advertising industry dispute
- Obtained dismissal of a \$50 million breach of contract claim asserted by a major comic book company against a theme park owner in a two-week AAA arbitration
- Obtained a settlement in excess of \$20 million in a six-week JAMS arbitration brought on behalf of a logistics provider against a national grocery chain for breach of contract to pay for services rendered during a strike
- Obtained dismissal of all claims, including a \$10 million fraud claim, asserted against a broker and his firm in a lengthy NASD arbitration
- Obtained damages for and dismissal of all claims brought against a warehouse delivery system company by its European distributor in a London arbitration

On the labor arbitration front, we have dealt with major issues in the N.Y. Court of Appeals and Appellate Division involving public policy constraints on the grant of an application to compel arbitration, the public policy grounds to vacate awards, and the role of a partisan arbitrator (including giving testimony) in a tripartite arbitration.

In addition to our work in the actual arbitration, our litigators have represented clients in those crucial proceedings which take place both before and after the arbitration. Such proceedings include applications in the state and federal courts to:

- Compel arbitration in a myriad of circumstances under both state law and the Federal Arbitration Act
- Confirm arbitration awards
- Stay arbitration where no agreement to arbitrate had been reached
- Vacate arbitration awards where the grounds to do so exist, such as an arbitrator's manifest disregard of the law

Pryor Cashman's litigators are responsible for making the law in several of these areas, having argued seminal cases before the N.Y. Court of Appeals and the U.S. Court of Appeals.

Not every dispute is best resolved by ADR. In many cases, litigation in court may be the better alternative. Drawing on extensive experience with ADR, our litigators regularly work hand-in-hand with our transactional attorneys to advise clients on the availability, use and feasibility of ADR methods and on drafting arbitration, mediation and other ADR clauses in contracts and related documents when appropriate.