

Arbitration & Mediation

In the world of litigation, a “win” often occurs outside of the courtroom. At Masuda Funai, we know that alternative dispute resolution (ADR) may provide an opportunity for a quick and cost-effective conclusion of business disputes. In addition to persistence and creativity, finding a non-litigated solution requires the ability to listen, analyze and navigate through and beyond even the most difficult problems and conflicts. Our attorneys draw upon all forms of ADR to benefit our clients. We know how to use arbitration and mediation as an effectual and economical means to resolve disputed issues, often quicker and with less expense than in the traditional litigation process.

Our lawyers are involved in non-binding procedures designed to achieve a consensual settlement and/or reconciliation between parties in dispute, as well as binding adversarial proceedings where a neutral party decides the dispute at hand. We have achieved successful outcomes in arbitration proceedings, mediations, and mini and mock trials. We understand the rules, policies and procedures and know many of the professionals associated with the host of ADR options, including the American Arbitration Association, JAMS Endispute, the International Chamber of Commerce and UCITRAL, Center for Public Resources, independent retired judges and ADR professionals, among others.

Some disputes call for aggressive action while others require careful diplomacy and measured compromise. We take the time to explain the advantages and disadvantages associated with various ADR forums, and ably guide clients in selecting the best possible option given the unique characteristics, nuances or peculiarities of a specific dispute. Our experience in ADR includes complex business disputes, class actions, contract claims, business torts, antitrust claims, employment claims, real estate, construction and partnership disputes, to name a few.

We also advise on the complete array of ADR clauses, believing that preventative action is a critical component of mitigating the likelihood and risks of traditional court litigation. When beneficial for our clients, we frequently draft ADR clauses for a diverse range of transactions such as purchase/sale agreements, finance and loan agreements, distribution and franchise arrangements, employment and management contracts, and mergers, acquisitions and joint ventures. We negotiate and document ADR agreements both before and after a dispute arises. In situations where our client has been sued but would prefer to resolve the dispute outside of court, we negotiate the use of ADR with adversarial parties whose original intent was to file a lawsuit, thus potentially conserving considerable time and resources for our client.