



Austin Business Journal's 'Ask the Experts'

"What are some alternative methods to settling disputes without going to trial?"

By

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Alternative methods used to settle disputes out of court include arbitration and mediation.

To arbitrate, the parties must agree. Arbitration's benefits typically include timely resolution, sometimes cheaper cost, information confidentiality, and non-reviewable/final decisions. Too, Arbitration enables using decision-makers who are familiar with the dispute's subject matter.

Mediation may be agreed to by the parties or compelled by a court where the parties are already litigating. Unlike Arbitration, Mediation is not a decisional process. Mediation is lead by a specially trained mediator who facilitates the parties coming to a reasonable compromise. Whether the dispute is resolved depends on the parties agreeing.

Each method has advantages and disadvantages. What the parties use, depends on what the parties want.

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