



Mediation and Arbitration

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Expertise

A majority of lawsuits are settled without a trial through alternative dispute resolution methods like mediation and arbitration. In both mediation and arbitration, the parties work with a neutral third party to resolve their dispute instead of going through the court system. The neutral third party is usually a lawyer, retired judge, or judge.

In mediation, the neutral third party is called a mediator. A mediation is usually scheduled for a full day where the parties and the mediator meet in a location approved by all parties. The mediator works with each party to assist the parties in reaching a resolution, usually a settlement, of the dispute. The mediator advises each party, privately, of the potential weaknesses of its case and the potential risks of proceeding to trial. Mediation requires an agreement by all parties; the mediator may make recommendations, but does not decide how the case should be resolved. Montgomery & Andrews has attorneys experienced in mediation, both as advocates for clients who are parties to a dispute and as mediators attempting to assist parties to reach a settlement agreement.

Arbitration differs from mediation in that the neutral third party acts more like a judge. Generally, arbitration allows parties to resolve a dispute more quickly and at lower cost than going through a trial in the court system. The arbitrator holds hearings, takes evidence, both from witnesses under oath and in the form of documents submitted by the parties, and ultimately makes a decision about the dispute. Often, but not always, the arbitrator's decision is binding. Our firm has attorneys with extensive experience in representing clients in arbitration proceedings, as well as attorneys who have experience serving as arbitrators.