

ALTERNATIVE DISPUTE RESOLUTION

While litigation at times is necessary, it may not always be the best option. Our lawyers employ various strategies in order to make sophisticated recommendations to clients based on what's best for their business, whether that involves litigation, settlement, or another form of alternative dispute resolution (ADR).

Lawyers in this practice area are fully trained in ADR procedures and are often selected to serve as arbitrators, mediators and neutrals in both trial and appeals courts. ADR offers numerous advantages, including the negotiation and resolution of disputes in a private vs. public forum, and more informal proceedings and expedited conclusions of disputes. ADR can result in reduced legal fees and expenses for our clients.

Lawyers in the ADR practice area have developed related clauses for contracts and agreements, some standard, and some tailored to specific industries and situations. We also have experience drafting ADR clauses in relation to joint ventures, franchise agreements, construction documents and international transactions, among others.

Representative Areas of Practice

- Binding and nonbinding arbitration agreements
- Case evaluation
- Conciliation
- Fact-finding
- Arbitration
- Mediation
- Negotiation
- Early neutral evaluation
- Neutral fact-finding
- Supervised settlements

EXPERIENCE

Multimillion-Dollar Arbitration Award

Obtained a multimillion-dollar arbitration award in favor of an investor in a hedge fund.

Vindicated CEO Terminated For "Cause" and Denied All Compensation

Successfully represented former CEO of publicly traded international business in dispute arising from the company's termination of our client "for cause" and denial of all incentives and other compensation due to the client.

\$2.9 Million Arbitration Outcome for Client

Secured favorable outcome in arbitration for client in a claim by an insurance producer who claimed he owned his book of business and was entitled to more than \$2 million following a sale of the company he worked for. Following a two-day arbitration, the arbitrator found for our client and awarded \$770,000 in damages, attorney's fees and \$2.2 million in punitive damages after it was proved the claimant lied in his discovery responses and at deposition.



Technology Licensing Dispute

Represented a mobile software company in a software licensing dispute. Secured a complete victory for the company at arbitration.

Multimillion-Dollar Recovery for Startup Software Developer in Arbitration

Obtained multimillion-dollar recovery plus attorneys' fees and costs for startup software developer in AAA arbitration against reseller for breaching the parties' licensing agreement.

Defense Counsel in Business Divorce Arbitration

Represented company and its officers and directors against former officer's and shareholder's breach of fiduciary duty claims in arbitration.

Representation of Data Analytics Startup in Arbitration

Represented data analytics startup in breach of contract arbitration.

Defense Verdict After Week-Long Arbitration for Brokerage Firm

Successfully defended a brokerage firm against claims brought by an investor alleging unsuitable trading, misrepresentation, breach of fiduciary duty, and violation of the Kansas Securities Act. The plaintiff sought damages of \$700,000. Secured a complete defense verdict after week-long arbitration.

Mediation Experience

Ray has served as a mediator in a number of complex multi-party cases. Representative cases include a dispute over damages and remediation of a contaminated landfill; a dispute over claims by personal seat license holders against an national sports league team that left the city; a class action dispute concerning wage calculations; a class action dispute concerning promotional policies and testing; a whistleblower claim against a governmental agency; and a complex multi-partner dispute.

Dissolution of Accounting Partnership

Represented senior partner in arbitration concerning dissolution of partnership resulting in seven-figure award for senior partner.

Obtained Victory for Client After Five-Day Arbitration

Obtained a complete defense victory following a five-day arbitration hearing on behalf of a local festival and concert promoter in a dispute filed by the counter-party to an expired profit-sharing agreement.

Defended Client Against Claim for Approximately \$100 Million

Defended, through successful resolution, of an action in the Southern District of Florida against a NASDAQ-listed company in which the plaintiff was seeking to recover approximately \$100 million.

Successful Representation of Fish Buyer in UCC Claim Arbitration

Successfully represented fish buyer in Uniform Commercial Code claim against seller in arbitration.

Arbitration Award in Favor of a Retail Gas Supplier

Obtained an arbitration award for a retail gas supplier awarding it every dollar it sought in damages, attorney's fees and arbitration expenses on its claim to enforce two unsigned contract amendments.

\$18 Million Settlement of Arbitration for Coal Purchaser

Obtained an \$18 million settlement, reached during arbitration, for a coal purchaser arising from a producer's failure to deliver low-priced coal as market prices rose.

Arbitration Award in Favor of a Retail Power Seller



Won an arbitration award in favor of a retail power seller denying a commercial customer's claim for purported overcharges and awarding our client all of its arbitration expenses.

Investors Awarded \$18.9 Million in Securities Fraud and Mismanagement Dispute

Arbitrators awarded our investor-client \$18.9 million on claims of mismanagement and securities fraud against the founder/manager of two closely held investment vehicles.

Arbitration Award and Federal Court Judgment Free Energy Company to Sell Overseas Assets

Obtained both an arbitration award and a federal court judgment in favor of subsidiaries of a publicly held energy company, restraining frivolous multimillion-dollar litigation in Guatemala, which freed our client to sell its assets in that country.

Represented Central American Government in International Arbitration

Served as lead counsel to the government of a Central American country in an International Chamber of Commerce arbitration, which involved complex design and engineering issues for combustion gas turbines. As a result, secured for clients an award in excess of \$13 million against the second-largest corporation in the United States.