

Court vs Mediation vs Arbitration: Claims and Dispute Management

Course Description:

This course explores the practice of mediation, arbitration and litigation, emphasizing the policies underlying these increasingly significant and evolving areas. It teaches how to identify actual legal dispute as well as the nature of the parties and their relationship. It instills essential dispute resolution skills to identify, negotiate and draft specific to a contemplated business transaction or actual dispute. It provides participants with an in-depth examination of the rules guiding behavior in various dispute resolution processes. It allows participants to gain handson mediation, arbitration or litigation experience in legal settings. It introduces the basic approaches to preparing and presenting cases in the mediation, arbitration or litigation context. It brings an international perspective to understanding the impact of culture in the most commonly used international and domestic dispute resolution practices. This course examines methods of dispute resolution used in other countries and compares them to those employed in the country of participants.

Course Objectives:

- Understanding of the underlying policies and legal ramifications for the range of dispute resolution options that are available
- Adequate skills for conducting dispute resolution processes
- Understanding of the wide variety of dispute resolution policies and issues that affect practitioners engaged in a dispute resolution practice
- Ability to apply concepts, tools and principles of business management necessary for leadership in dispute resolution

Who Should Attend?

- Legal professionals
- In-house lawyers
- Mediators
- Arbitrators
- Judges
- Executive managers
- Business continuity management practitioners
- Those involved in drafting of contracts



Content Day-By-Day

Day 1

- Meaning and scope of a legal dispute
- Legal dispute styles (commercial, investment, construction, finance, business, employment, partnership, intellectual property, licensing, products liability, etc. disputes)
- Negotiation Theory and Practice
- Concept of Restorative Justice
- Basic concepts in legal dispute resolution
- Conflict analysis techniques
- Nature of dispute; barriers to agreement and ways to overcome them
- Methods of legal dispute resolution
- Mediation & Arbitration & Litigation

Day 2

- Similarities between Mediation & Arbitration & Litigation
- Differences between Mediation & Arbitration & Litigation
- Advantages of mediation over arbitration
- Advantages of mediation over litigation
- Advantages of arbitration over litigation
- Methodology to follow: being effective problem solvers and representing clients successfully
- Electronic evidence and discovery

Day 3

- Understanding the complete mediation process
- Legal regulations and guidelines
- International Mediation Procedure and Practice
- Domestic Mediation Procedure and Practice
- Selecting the right mediator for your specific dispute
- Engaging your mediator the right way to ensure a favorable outcome
- Mastering the mediation process from beginning to end
- Mediation skills
- Mediation techniques
- Case studies of actual disputes



Day 4

- Understanding the complete arbitration process
- Essential characteristics of arbitration
- Legal regulations and guidelines related to arbitration
- International arbitration procedure and practice
- Domestic arbitration procedure and practice
- Cooperation between international arbitration and national judicial systems
- Commencement of arbitration
- Selection and appointment of arbitrators
- Taking evidence in arbitration
- Nature of arbitration award
- Recognition and enforcement of arbitrator decision

Day 5

- Analyzing a fact pattern and recognize legal issues
- Identifying the appropriate legal form for use in litigation
- Preparing and organizing legal argument to the court
- Drafting persuasive, analytically complete written arguments
- Being prepared to orally and persuasively presenting client's position to the court
- Evidence of facts
- Judgments, orders and enforcement
- Appeals