

Arbitration and Mediation

Arbitration and mediation, also known as alternative dispute resolution (“ADR”), often provides a faster and more favorable outcome for our clients than traditional in-court litigation. We have substantial experience with arbitration, having conducted numerous arbitrations with JAMS, AAA, and the Financial Industry Regulatory Authority (“FINRA”). Our firm has also participated in hundreds of mediations. During the mediation process, we work hard to reach a favorable solution for our clients, often crafting creative solutions that address our clients’ concerns.

Representative Clients and Matters:

- We represented a Bank CEO in his wrongful termination arbitration demand against the Bank holding company, claiming that he was improperly terminated for "cause." After a week-long hearing, the arbitration panel held that the CEO's termination breached the agreement because he was denied due process, and that the evidence did not support "cause." The CEO was awarded approximately \$1 million, which included breach of contract damages, pre-judgment interest on contract damages and attorneys' fees and costs.
- Our firm represented a sports league whose thousands of customer contacts was wrongfully taken and used by a former partner in the business who started a competing league. We immediately obtained a preliminary injunction against the former partner. We were later successful in an arbitration before the American Arbitration Association. After a full hearing in arbitration, we obtained a permanent injunction against the former partner and obtained a substantial award of monetary damages even though our client did not lose any customers to defendants' competing business.
- A lender retained our firm to file an arbitration action to recover funds against a real estate development company, which defaulted on a promissory note. Our client sought the full amount of the loan, interest and attorneys’ fees. The arbitrator awarded our client the full amount requested on a motion for summary disposition. The arbitrator’s award was confirmed in state court.
- We represented a CEO who was terminated from her position. Her former company also refused to pay her severance, claiming it was not owed to her because she was fired for “for cause.” The case was arbitrated and the Company was represented by one of the largest law firms in the country. Our client prevailed and was awarded approximately \$1 million dollars.
- We represent former shareholders in an ongoing arbitration arising out of an earn-out provision of a merger agreement. Our clients allege that the purchasing entity has acted in bad faith in suppressing sales so the earn-out threshold would not be reached.
- The claimant in an ongoing arbitration before FINRA retained our firm in a dispute over M&A transaction fees. At the initiation of the arbitration, firm attorneys applied traditional canons of

statutory interpretation to overcome a challenge to the use of FINRA as an arbitration forum.

- Our firm represented a medical device company that had claims for legal malpractice against one of the largest law firms in the country. Prior to filing suit, the parties mediated, and we achieved a favorable, confidential settlement for our client.
- We represented a longtime technology client in a JAMS arbitration against a former customer for wrongful termination of a multi-year service agreement. After an arbitration hearing, the arbitrator issued an award in our client's favor. The arbitrator concluded that the customer's termination was wrongful, and awarded our client over \$1 million.
- Our firm represented the former president of a local bank who was terminated after that bank was acquired by a large financial institution. Our client filed an action for tortious interference with contractual relations, breach of contract, and fraud. The case was settled confidentially in mediation prior to the close of discovery.
- We represented a real estate development company sued for equitable subrogation of its recorded deed on property. A twelve-hour mediation resulted in a settlement of all the claims between the participants at the mediation.