

## Arbitration/Mediation

### Reducing Litigation Stress, Increasing Case Resolution

Litigation can prove time-consuming and become costly, so even a trial win may not be the best way to resolve disputes. Although we enjoy an impressive record of courtroom achievements, Andrews Kurth lawyers seek to optimize case outcomes while managing the costs, time and stress of a lawsuit. Our lawyers evaluate the most appropriate and effective strategies to reach clients' goals.

We routinely use arbitration, mediation and other forms of alternative dispute resolution (ADR) as pragmatic ways to meet our clients' needs. Our substantial experience includes:

- Arbitration
- Mediation
- Summary jury trial
- Early neutral evaluation
- Moderated settlement
- Conciliation

Andrews Kurth's reputation for thorough preparation and aggressive advocacy enables our clients a range of options—to comfortably go to trial, reach a favorable settlement during trial or seek ADR resources.

### ADR Experience and Background

Our ADR practitioners are accomplished trial attorneys, and several are also formally ADR-trained and often serve as mediators and arbitrators. From minor two-party conflicts to multimillion-dollar corporate matters, we use arbitration and mediation to resolve disputes involving:

- Complex financial issues
- Corporate restructurings
- Bankruptcies and workouts
- Securities matters
- Intellectual property conflicts
- Oil and gas matters
- Tax controversies
- Contracts and commercial agreements
- Business torts
- Construction claims
- Employment and labor matters

We counsel clients on how to incorporate ADR into their everyday business practices. We work with clients to prepare contract provisions, organizational procedures and guidelines on using arbitration and mediation to settle commercial disputes and internal matters.

### Arbitration Forums

Andrews Kurth lawyers assess which venue is best suited for each case. Our lawyers have handled numerous arbitrations in forums sponsored by:

- American Arbitration Association (AAA)
- Financial Industry Regulatory Authority (FINRA)

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- International Chamber of Commerce (ICC)
- International Centre for Dispute Resolution (ICDR)
- JAMS

Our lawyers' experience also includes disputes arising out of bilateral investment treaties and the North American Free Trade Agreement (NAFTA) requiring international arbitration in the International Center for the Settlement of Investment Disputes (ICSID) or arbitrations under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules. We also serve on the American Arbitration Association Panel for environmental, energy and natural resource matters.

### Mediation Proceedings

Mediation may take many different forms, and mediators often follow their own unique paths to understand a dispute and effectuate a settlement between the parties.

Andrews Kurth represents clients in a wide range of mediation proceedings. Often, our lawyers reach a favorable result that might not be possible through trial alone.

### Arbitration Representative Experience

- Defended a securities broker-dealer in a FINRA arbitration brought by a customer claiming improper margin calls. Although the arbitration panel found liability against the other respondents, the claims against our client were dismissed in their entirety.
- Defended a securities clearing firm in a FINRA arbitration against a multimillion-dollar claim asserted by a hedge fund customer alleging improper valuation of collateralized mortgage obligations. After approximately three weeks of arbitration hearings, the claims against our client were dismissed in their entirety. Our client was also awarded sanctions.
- Prosecuted a breach of fiduciary duty claim in an arbitration before the International Centre for Dispute Resolution by an investment advisory firm against an investor bank. The investor bank was both a part owner of the client as well as the largest investor in the client's fund. The breach of fiduciary duty claim was based on the bank's failure to disclose its intention to withdraw from the fund. Following approximately two weeks of hearings, the arbitration panel awarded a seven-figure recovery in favor of our client.