

COLLABORATIVE PRACTICE IN BUSINESS DISPUTES



Conflicts between business interests are a fact of doing business. However, expensive, lengthy, and often damaging litigation is not the only way of resolving disputes. Parties in business disputes can utilize options that may be better suited to meeting their business interests and needs than traditional litigation. Collaborative Practice is an efficient, viable option to an adversarial, cumbersome court process over which parties have little control.

Our research has indicated that what matters most to parties in business disputes is the efficiency of the resolution process: cost efficiency, speed, preservation of important relationships, minimal loss of productivity and disruption of the workplace and no reputational damage.

Collaborative Practice responds to these efficiency-based concerns by offering the parties to a business conflict a process that is designed to be less expensive, faster, less taxing on resources and more mindful of preserving relationships than litigation. Collaborative Practice by design focuses immediately on resolution through negotiation; on meeting the real interests and needs of the parties. This is different from litigation, an adversarial, positional process which is designed to prepare for resolution by trial.

Every minute and every part of the Collaborative process is spent on reaching settlement and resolution and not on anything else. Collaborative Practice brings the parties involved in the dispute to the table where, with the assistance and advocacy of their collaborative lawyers, clients take an active role in negotiation, problem-solving and creating their own solutions. The resulting agreements are tailored to meet the business needs of the parties involved.

Further, because it is not adversarial in nature, Collaborative Practice utilizes resources more effectively. Rather than each party having to hire its own experts, the Collaborative process is designed for the parties to use only one independent and neutral expert whose purpose is to serve the needs of both parties. Experts become professional resources for both parties' benefit, as well as for the process of resolution and settlement.

Now you have a choice. The choice is one that focuses on settlement by design, a process in which all efforts are geared from the outset on coming up with the best solutions for the parties, rather than an adversarial positional battle. That choice is Collaborative Practice.

Collaborative Practice can be used effectively in business matters including contract disputes, wrongful termination, retaliation, wage and hour issues, business dissolution or reorganization, restrictive covenants, construction disputes, and other forms of business disputes.

www.collaborativepractice.com

International Academy of Collaborative Professionals