

Civil Litigation vs. Alternative Dispute Resolution

Civil Litigation can be costly and time consuming. You may want to consider using a form of Alternative Dispute Resolution rather than going to trial.

Negotiation

Negotiation is an informal process that involves parties meeting to talk and try and work things out themselves.

Advantages:

- When people arrive at their own decision they are more likely to follow through with it.

Disadvantages:

- Not enforceable – it does not have the power of the government behind it

Mediation

Mediation involves a third party coming in to help the parties arrive at a mutually acceptable conclusion.

Advantages:

- Cheap
- Confidential
- Quick

Disadvantages:

- Not enforceable

Arbitration

A third party comes in to make a decision about the controversy.
The third party actually issues an opinion.

Advantages:

- Relatively Cheap
- Confidential
- Quick

Disadvantages:

- Not enforceable

Civil Litigation

A third party comes in to make a decision about the controversy.
The third party actually issues an opinion.

Advantages:

- Decision is enforceable
- You have a day in Court to make your case. If you have been wronged, you have a chance to be vindicated
- The process works well

Disadvantages:

- The process is very expensive and time consuming
- If the defendant doesn't have any assets you cannot collect any money
- The process is public. Your personal matters will be heard in open court, can be reported on, and a record of the matter will be kept forever.