The Appropriate Resolution of Corporate Disputes: A Report on the Growing Use of ADR by U.S. Corporations

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Abstract
A quick scan of the business and legal press reveals that, compared with a few years ago, many more disputes are being resolved through negotiation, mediation, and arbitration. The change is an incremental one, on the upper end driven by costly, difficult cases involving business risks that have called for the innovative handling of dispute resolution processes, and on the everyday level driven by the need for lower-cost, streamlined ways to handle growing numbers of ordinary disputes. Policy makers at all levels of government have encouraged this trend. Accompanying this public policy movement, increasing numbers of law firms and corporate legal departments are establishing alternative dispute resolution (ADR) practice sections, acquiring expertise or hiring experts in dispute resolution.

Many corporations are encouraging the use of ADR not only where it has traditionally been used but also to solve an ever-widening range of conflicts between the corporation and other businesses, individuals, and government agencies. In each of these relationships, it appears that the overwhelming costs of litigation have pushed corporations toward increasing their use of ADR processes. This growing trend and the widespread need for information about appropriate means of resolving corporate disputes motivated us to conduct the survey reported on here.

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Alternative dispute resolution (ADR; known in some countries, such as India, as external dispute resolution) includes dispute resolution processes and techniques that act as a means for disagreeing parties to come to an agreement short of litigation. It is a collective term for the ways that parties can settle disputes, with the help of a third party. Despite historic resistance to ADR by many popular parties and their advocates, ADR has gained widespread acceptance among both the general public and The original survey, “The Appropriate Resolution of Corporate Disputes: A Report on the Growing Use of ADR by U.S. Corporations,” was distributed a decade ago by Cornell. The follow-up will explore current ADR use by the Fortune 1000 and identify changes in practices that these companies have introduced in recent years. The results were released in 2012 at CPR’s Annual Meeting.


Eastern European Delegation In August 2011, CPR hosted a State Department delegation from former Soviet bloc nations on under the auspices of CPR’s Public Policy mission.

(1) Internal Corporate Dispute Resolution Strategies. (2) ADR Clauses (3) ADR Corporate Pledge C Commercial Court & ADR D Shareholder Disputes & ADR E Construction Disputes & ADR (1) ADR Clauses in Irish Government Public. Works Contracts (2) Role for Mediation in Resolving Construction.

The Consultation Paper and this Report have focused on these. 2. In preparing its Consultation Paper and this Report, the Commission’s approach is based on the key objective that civil disputes are resolved in a way that meets the needs of the parties and conforms to fundamental principles of justice.