

PRACTICAL ADVICE

FROM THE INTERNATIONAL PRACTICE GROUP



Fox Rothschild LLP
ATTORNEYS AT LAW

Alternative Dispute Resolution: An Efficient and Cost-Effective Way To Settle Legal Disputes

International Dispute Resolution

The unparalleled growth of international business has created a pressing need for clients involved in cross-border conflicts to find an efficient and cost-effective means to resolve legal disputes. Alternative dispute resolution (ADR), such as mediation and arbitration, is the process of resolving legal conflicts without going to trial. It can be a practical alternative to costly litigation and can provide the parties with a greater degree of confidentiality than a case handled through the court system. Fox Rothschild is committed to resolving our clients' legal disputes in the most timely and economical fashion, and we advise on selection of the appropriate ADR procedure that will best serve our clients' business goals.

We represent multinational clients in a wide spectrum of cross-border disputes, serving as both mediators and arbitrators. Our dispute resolution attorneys, known for their keen ability to quickly grasp the strengths and weaknesses of a case and to tactfully guide the parties to consider settlement options, impartially assess the facts to conduct effective proceedings.

Dispute Resolution Experience

General Commercial

We have arbitrated and mediated a wide range of complex civil cases involving issues of:

- Contract interpretation
- Buy-sell agreements, including appraisals of real property and businesses
- Unfair competition
- Intellectual property disputes
- Insurance coverage disputes
- Tort litigation

Partnership Disputes

We have assisted in the resolution of partnership disputes and dissolutions involving a variety of businesses, including professional medical partnerships.

Real Property

We represent clients in real property matters, including:

- Commercial landlord/tenant disputes
- Construction disputes, including defect and environmental issues
- Sale and purchase disputes

Employment Disputes

We handle cases involving:

- Employment compensation agreements
- Executive employment agreements
- Discrimination (Title VII) cases

Representative Matters

We have, for example, represented:

- Chinese firms in arbitration proceedings before the China International Economic and Trade Arbitration Commission (CIETAC) regarding arbitration awards and enforcement in the United States.
- A Chinese tire manufacturer in enforcement of arbitration provisions.
- A global pharmaceutical company in an International Centre for Dispute Resolution (ICDR) arbitration regarding a pharmaceutical distribution agreement.
- A U.S.-based international energy trading company in an international arbitration arising from an incident in the Netherlands.
- A U.S.-based software company in an international arbitration against a Brazilian entity.
- Alleged breach of contract between a U.S.-based biotech company patent holder and a French distribution company licensee in a cross-border transfer of biotech technology.
- Breach of contract for sale of consumer goods from China.
- A California client in a trade secrets/IP dispute over a subsidiary of a Taiwanese manufacturer's trademark usage.
- Assault and battery complaint and cross-complaint of family members that also involved strong cultural influence on resolution.
- Lease dispute on a commercial lease involving 150,000 square feet of space and applicability of some charges.

Our international arbitration attorneys have specific ADR training and employ an integrated, practical, concrete approach to each mediation that recognizes the subjective issues at play as well as the cultural issues that influence the decision-making process in dispute resolution. They have provided mediation services in both pre-litigation and litigation settings. Our attorneys have spoken on mediation internationally for attorneys, businesses and corporate groups and hold key positions within international organizations, including serving as:

- Vice chair of the China Committee of the American Bar Association Section on International Law
- Co-vice president of the Overseas Board of the International Association of Korean Lawyers (IAKL)
- Former president of the National Asian Pacific American Bar Association and current co-chair of the International Committee
- Past president and presently honorary president of the International Association of Young Lawyers (AIJA)
- Co-chair of the Business Law Section of the National South Asian Bar Association
- President of the Korean American Chambers of Commerce of the North Pacific Coast
- Committee chair of the International Law Section of the Los Angeles County Bar Association
- Conference Committee Chair of the Advisory Council for Democratic and Peaceful Unification of the Korean Peninsula

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About Fox Rothschild International Practice Group

Our international practice brings together the services of attorneys throughout the firm to create a network of experienced counsel available to represent clients in all types of cross-border and international matters, including:

- Corporate
- Real estate
- Immigration
- Financial restructuring
- Intellectual property
- Bankruptcy
- Estate planning
- Arbitration
- Tax
- Litigation
- Trade
- Dispute resolution

Collectively, the group has clients in more than 50 countries and is fluent in numerous languages, including Cantonese, Mandarin, Greek, Fukienese, Hakka, Marathi, Hindi, Korean, Japanese, Russian, Hebrew, Spanish, Portuguese, Italian, French and German. We have represented more than 650 foreign companies looking to do business in the United States or needing U.S. representation and nearly 350 U.S.-based companies needing assistance in conducting business outside of the United States.

We have an established network of professional relationships and resources in Europe, the Americas and Asia available to assist clients in foreign countries as needs arise:

- We are a member of Lexwork International, a strategic alliance of independent law firms in major cities throughout Europe, the Americas and Asia that provides assistance with the differences in laws and regulations among jurisdictions, providing the benefits of knowledge of local usage and customs.
- We have a relationship with Longan Law Office in China, a 200-attorney firm with offices in Beijing, Shanghai, Shenyang, Shenzhen, Nanjing, Guangzhou and Hong Kong.