Dispute Resolution: Six Common Methods of Resolving Disputes

**Method 1: Talk it out**
This is the best and least expensive way for parties to resolve disputes. You can consult with an attorney behind the scenes to provide legal advice and coaching to assist you in the negotiations with the other parties. Be aware that not all attorneys are willing to work with clients in this fashion.

**Method 2: Mediation**
Mediation is a process where a neutral third party listens to both sides of the dispute and helps the parties reach resolution that is acceptable to both parties.

Most counties have a state-funded Dispute Resolution Center which provides inexpensive mediation services to parties involved in disputes. Attorneys are not permitted to attend these mediation sessions, but an attorney can work with a client behind the scene to provide legal advice and coaching on the mediation process and ways to present the client’s position.

Alternatively, parties can work with a private mediator. Mediation with a private mediator is recommended for more complex issues or matters involving specialized areas of the law. Attorneys can attend the mediation sessions with their clients or the parties can participate in mediation without attorneys.

**Method 3: Collaborative Law**
In this method, each party is represented by a Collaborative Law attorney. Collaborative Law attorneys are trained in interest-based negotiations. In Collaborative Law, the parties contractually agree to resolve the matter without going to court other than to obtain court-required signatures on agreed documents. The attorneys work collaboratively with each other and the clients to provide legal advice and resolve the dispute through open discovery and without court intervention. More information on the process is available on our Collaborative Law Page.

**Method 4: Negotiated Settlement**
In this situation, both parties are represented by an attorney. Each attorney provides legal advice to his or her own client, and the attorneys negotiate a settlement on behalf of the client
without the client being directly involved in the negotiation. The client must approve all negotiated settlements.

**Method 5: Arbitration**
In arbitration the parties agree to resolve their dispute by bringing it to a neutral third party, or arbitrator. The parties agree to be bound by the decision of the arbitrator. At an arbitration hearing, the parties may present evidence and witnesses supporting their positions in a style similar to a trial, but in a more relaxed atmosphere and with more relaxed rules of evidence. An arbitrator skilled in the issues should always be selected. Arbitration is typically a less expensive option than litigation.

**Method 6: Litigation**
Through the litigation process, the parties submit their dispute to the court through a series of court filings and hearings culminating in a trial where the judge or jury makes the decision. This is the most expensive and time-consuming method for resolving disputes, and it is the method least likely to achieve a satisfactory result. Cases are almost always better settled than tried, but sometimes litigation is the only option.