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Course: Arbitration and Mediation of Commercial and Real Estate Disputes

Topics Include:

1. Definition of Alternative Dispute Resolution
2. Need for ADR in Changing Economic Environment
3. Distinction between Arbitration and Mediation
4. Types of Arbitration
5. Types of Mediation
6. Additional Forms of Alternative Dispute Resolution
7. Contract Provisions Containing Arbitration and Mediation Provisions
8. Types of Mediation
9. Role of Negotiation
10. Negotiation Techniques
11. Types of Arbitration
12. Arbitration Techniques
13. Advantages and Disadvantages of Various ADR tools
14. American Arbitration Association Rules of Arbitration and Mediation

Types of Alternative Dispute Resolution Devices

1. Arbitration
2. Mediation
3. Mediation-Arbitration
4. Partnering
5. Most Effective Use for Each Form
6. Types of Arbitration
7. Types of Mediation
8. Function of the Arbitrator
9. Function of the Mediator
10. Negotiation Techniques

Contract Provisions Calling for ADR

1. Construction
2. Leases
3. Purchases and Sales of Real Estate
4. Securities Transactions
5. Commercial Transactions
6. Cooperatives and Condominiums

Role of ADR in Various Types of Disputes Arising from the Above

American Arbitration Association Rules

1. Arbitration
2. Mediation

Role of FINRA in Securities Disputes

How a Mediation Is Run

1. Role of Mediator
2. Role of Parties
3. Techniques for Resolution
4. Examples of Successful Mediations

How an Arbitration Is Run

1. Evidence
2. Testimony of Witnesses
3. Types of Decisions
4. Enforceability
5. Grounds for Overturning Award

Choosing between Arbitration and Litigation

1. Discovery
2. Right to Appeal
3. Rules of Evidence

Role of the Attorney General in Cooperative and Condominium Contract Disputes