

Alternative Dispute Resolution (ADR)



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What Is Alternative Dispute Resolution (ADR)?

Alternative dispute resolution (ADR) refers to legal processes that resolve disputes outside of court, most commonly through mediation or arbitration. ADR is typically faster and significantly less expensive than litigation, and it gives parties more control over the outcome and timeline of their case. Abrams Fensterman's ADR group serves clients across New York in matters ranging from commercial litigation to personal injury and medical malpractice.

Mediation: Resolving Disputes Through Facilitated Agreement

Mediation is a confidential, non-adversarial process in which a neutral mediator facilitates communication between disputing parties to help them reach a voluntary, mutually acceptable resolution. The mediator does not decide the case; decision-making authority remains entirely with the parties, allowing for flexible, creative outcomes that a court cannot order. Mediation can be initiated voluntarily by the parties or ordered by a court, and once a resolution is reached, the mediator memorializes the agreed terms in a binding term sheet.

Key features of mediation:

- Fully confidential; statements made in mediation cannot be used in court
- Voluntary and non-binding until a settlement agreement is signed
- Can resolve cases months or years before a scheduled trial date
- Available for court-ordered and privately arranged disputes

Arbitration: Binding Resolution Outside of Court

Arbitration is a more formal ADR process in which one or more neutral arbitrators hear evidence and arguments from both sides, then issue a legally binding decision called an arbitration award. Unlike mediation, arbitration results in a final determination that is enforceable in court, making it a powerful alternative when parties need a definitive resolution. Arbitration is widely used in commercial disputes, medical malpractice, employment matters, and consumer contracts, and it is frequently required by

contractual agreement before any litigation may be filed.

Key features of arbitration:

- Binding decision enforceable in New York courts
- More structured than mediation; follows evidentiary and procedural rules
- Can be conducted before a single arbitrator or a panel
- Decision may be reasoned (with legal analysis) or issued as a short-form award
- Commonly mandated in commercial contracts, employment agreements, and consumer transactions

Mediation vs. Arbitration: Which Process Is Right for Your Case?

The right ADR process depends on how much control you want over the outcome and how definitive a resolution you need. Mediation preserves the parties' ability to negotiate and walk away, making it ideal for disputes where preserving a business or personal relationship matters. Arbitration is better suited when a binding, final decision is required quickly, or when a contract mandates it before any court filing.

Types of Cases Resolved Through ADR at Abrams Fensterman

Abrams Fensterman's ADR attorneys handle a broad range of matter types across New York, giving clients access to experienced neutrals who understand the legal and factual complexities of each dispute category. The firm's team includes former state Supreme Court judges and senior litigation attorneys who bring decades of courtroom and settlement experience to every case.

Matter types handled include:

- Commercial Litigation
- Medical Malpractice
- Personal Injury
- Automobile Accidents
- Slip and Fall
- Labor Law
- Products Liability
- Toxic Torts
- Class Actions
- Contracts
- Real Estate
- Estate Matters
- Municipal Law
- Maritime Law

Why Choose Abrams Fensterman for Alternative Dispute Resolution?

Abrams Fensterman's ADR team brings a level of authority to the process that most neutrals cannot offer, including former New York State Supreme Court judges who have presided over complex commercial and civil matters. The team's diverse litigation backgrounds allow them to assess cases from multiple

perspectives, which consistently produces faster, more durable resolutions for all parties. With offices across New York, the firm serves clients statewide and regularly works with members of various state bars, making it a practical choice for multi-party and multi-jurisdiction disputes.

What sets the Abrams Fensterman ADR team apart:

- Former state Supreme Court judges serving as mediators and arbitrators
- Decades of combined experience in commercial, healthcare, and civil litigation
- Statewide presence across Long Island, Brooklyn, White Plains, Rochester, and Albany
- Collaborative relationships with members of multiple state bars
- Track record of resolving cases months or years before trial

Related Practice Areas

- Civil Litigation
- Commercial Litigation
- Employment Litigation
- Employment and Labor Law
- Estate Litigation
- Real Estate Law
- Divorce, Matrimonial, and Family Law

CONTACT OUR LAW FIRM

Learn more about how Abrams Fensterman's Alternative Dispute Resolution team can help save your clients time and money. [Contact us](#) on Long Island at [516-328-2300](#), in Brooklyn at [718-215-5300](#), White Plains at [914-607-7010](#), Rochester at [585-218-9999](#) or Albany at [518-535-9477](#) to schedule an initial consultation.

Frequently Asked Questions About ADR in New York

What is the difference between mediation and arbitration? Mediation is a facilitated negotiation where the parties retain decision-making authority and any resolution is voluntary. Arbitration is an adjudicative process where a neutral arbitrator or panel issues a binding decision after hearing evidence from both sides.

Is arbitration binding in New York? Yes. Arbitration awards issued in New York are legally binding on both parties and enforceable in court under New York's arbitration statutes and, for applicable disputes, the Federal Arbitration Act.

Is mediation confidential? Yes. Statements, offers, and communications made during mediation are confidential and, except as provided by law, cannot be repeated outside the session or introduced in court proceedings.

Can ADR be used for medical malpractice cases in New York? Yes. Abrams Fensterman's ADR team handles medical malpractice mediations and arbitrations, and this is one of the most common matter

types resolved through ADR due to the high cost and complexity of malpractice litigation.

How long does the ADR process take compared to litigation? ADR typically resolves cases in weeks or months rather than the years often required for a full trial, which is one of its primary advantages for both plaintiffs and defendants.

Do I need an attorney to participate in mediation or arbitration? Parties are not required to have an attorney in all ADR proceedings, but having experienced legal counsel ensures your rights are protected, the process is used to maximum strategic advantage, and any agreement reached is properly memorialized.

What happens if we cannot reach an agreement in mediation? If mediation does not result in a settlement, the parties retain all rights to pursue litigation or arbitration. Nothing said or offered during mediation can be used against either party in court.