

# Traditional and nontraditional litigation



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Traditional and Nontraditional Litigation  
Law 531/Business Law  
June 18, 2012  
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Traditional and Nontraditional Litigation According to Cheeseman (2010) the process of bringing, maintaining, and defending a lawsuit is called judicial dispute resolution. It is a formal way of handling legal proceedings that involves litigation when a business is accused of wrongdoing. This traditional form of litigation may involve lawyers, but it is not required to represent them in a lawsuit. Most litigation processes have several stages, such as discovery, trials, and judgment. Acquiring a lawyer to represent the company in this lengthy process is important to comply with the legal requirements of the court system. Traditional litigation is time-consuming and financially expensive to business. To avoid courtroom litigation, businesses are using alternative methods, which are financially cost-effective to the company.

Nontraditional litigation is an alternative form of legal processing to decrease cost and reduce time-consuming court battles. This process is called Alternative Dispute Resolution (ADR), which is a valuable tool to resolve contract disputes and daily operational issues within the company.

Arbitration is another form of dispute resolution that the court system or businesses may use to avoid going to court. Both parties must agree on having a neutral third party listening to both sides of the problem and determine the best solution for both parties. Third party arbitrators are lawyers with experience in handling arguments between both parties. They are given an outline of their complaints with an alternative resolution to the legal issues. Litigation Risks for business  
There are risk factors that businesses will encounter when dealing with traditional litigation, such as expenses and

adhering to the court order that the legal system has in place in relationship to court time to address the issues of both parties.

Having a business in a legal proceeding can have a negative effect on the image of the company, which can affect business revenue present and future expense. The image of the company is a fundamental strength of the company that can be affected by the publicity they may receive is positive or negative. Another risk in litigation is the loss of time at court proceeding instead of focusing on handling the day to day operation of the business that can lead to lower production in the organization. Decrease in customer confidence in the company also has an effect in maintaining excellent service for their products. Bankruptcy is a potential risk for business in litigation because of court cost and legal fees to protect themselves from the lawsuit. Alternative dispute resolution A common resolution for solving legal litigation involving organization is the most economic way of handling lawsuits in business.

It is an alternative to reduce risk in resolving the dispute. To minimize these financial risks, a variety of nontraditional formal methods comprises of negotiation, mediation, arbitration, conciliation, and Mini-trial as alternatives are available. For example, using negotiation, which involves both parties, agrees to solve their dispute without the use of the court system. Using this method does not require a third party who is neutral in the litigation. The use of conciliation is another form of negotiation, but is used when the parties do not want to meet each other.

There responsibility is to offers and counteroffer between these parties to solve their dispute. Mediation is a dispute resolution that involves the use of a mediator to facilitate the meeting of both parties to assists them in reaching a settlement regarding their cases. The mediator is a person who is an expert on the subject matter of the dispute, but he or she does not make the decision, which is different from an arbitrator. If these methods are not a success then a mini-trial is another alternative like a court trial, but is less expensive and not as complex.

A representative of both parties is involved and a neutral party will preside over the mini-trial. After the trial the neutral party will inform the parties how the court system may rule on the case. The strength and weakness of the case is expose to both parties leading to a realistic in their position regarding the merits to settling the case instead of having an expensive and time consuming trial. SummaryThe decision on the legal course of action in litigation depends on many factors, such as resources and financial expenditure before deciding on the proper type of dispute resolution. The choice at times is complex, but there are many option available with nontraditional litigation than traditional litigation, which choice is best depends on what is actually important to the organization.

References Cheeseman, H. J. (2010). Business law: legal environment, online commerce, business ethics, and international issues (7th ed.).

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