

Comparisons

Advantages and disadvantages of different dispute resolution methods

	Advantages	Disadvantages
Do Nothing	<ul style="list-style-type: none"> • Effortless • Avoid stress of confronting the dispute • Matter remains private 	<ul style="list-style-type: none"> • The dispute remains unresolved • One party will still be disadvantaged at the hand of the other party
Negotiate	<ul style="list-style-type: none"> • Both parties get to play a role in resolving the dispute • The resolution is agreeable to both parties • Available remedies are limitless • It doesn't cost anything to negotiate with the other party • Easy process • Matter remains private 	<ul style="list-style-type: none"> • Emotions can often be intense during disputes so it may be difficult for the parties to think clearly • Sometimes the parties don't have enough knowledge of the subject matter of the dispute to ensure a fair deal is struck and that strict legal rights and obligations are enforced.
Mediation	<ul style="list-style-type: none"> • Mediator facilitates negotiations and takes steps to ensure that the communication between the parties remains calm • Both parties get to play a role in resolving the dispute • The resolution is agreeable to both parties • Available remedies are limitless • Relatively easy and informal process • Matter remains private • Mediation is normally much less expensive than litigation • Mediation is relatively quick and efficient 	<ul style="list-style-type: none"> • There are costs associated with hiring a mediator • The product of mediation is the creation of a solution which is acceptable to the parties. This does not necessarily mean that the parties' strict legal rights and obligations have been maintained. • Mediated solutions are not legally binding unless the parties agree to the terms of the mediated solution by signing a contract.
Arbitration	<ul style="list-style-type: none"> • The Arbitrator imposes a solution upon the parties which is useful if the parties are too adversarial to craft their own solution • Arbitrators often have specialized knowledge of the subject matter of the dispute • Process is less formal than litigation • Process is more expedient than litigation • Process is typically less expensive than litigation 	<ul style="list-style-type: none"> • The arbitrated solution may not be agreeable to both parties (win-lose) • The range of remedies available for the Arbitrator to impose is limited by the Arbitrator's authority. • Process is more formal than mediation • Process often takes longer than mediation • Process is often more expensive than mediation • Matter does not remain private

Litigation

- Creates useful precedent
- Strict legal rights and obligations are enforced
- Court proceedings are generally public so privacy and confidentiality is limited
- Expensive
- Can be a lengthy process
- Formal process
- Stressful process
- Limited remedies available
- Win-Lose solutions; adversarial process