



# Alternative Dispute Resolution (ADR)

*A Primer For Logistics and Supply  
Chain Management Professionals*

***February 1, 2017***

***Marvin J. Huberman, Barrister, Mediator, Chartered Arbitrator***

***Certified Specialist in Civil litigation***

***LL.M. in Alternative Dispute Resolution (ADR)***

***mhuberman@marvinhuberman.com***

***www.marvinhuberman.com***

# Agenda

- ▶ Introduction
- ▶ Primary Dispute Resolution Processes
- ▶ Goals of Alternative/Appropriate Dispute Resolution (ADR)
- ▶ Negotiate, Mediate, or Adjudicate?
- ▶ Questions & Answers

# Marvin J. Huberman: *Background*

- ▶ Marvin J. Huberman, LL.B., LL.M. (ADR), C. Arb, C.S. (Civil Litigation)
  - ▶ Senior lawyer, commercial arbitrator, mediator
  - ▶ Adjunct law professor
  - ▶ Former administrative judge
  - ▶ Over 30 years experience
  - ▶ Represents individual / business clients, financial institutions, insurers and governments in Toronto, Ontario
  - ▶ Acted in cases in the U.S., Europe, and internationally.
- ▶ Prolific author, speaker, legal instructor, counsel on numerous reported cases
- ▶ Member, chair, and director of various legal committees, task forces, and associations
- ▶ Award recipient: M&A Today Global Awards 2016 recognized as **top commercial arbitration law firm in Canada**

# Conflict: *Inevitable*

- ▶ Causes of conflict
- ▶ Ways of resolving
- ▶ Avoidance
- ▶ Rights-based
- ▶ Power-based
- ▶ Interest-based
- ▶ Examples

# ADR Defined

- ▶ Goals
- ▶ Advantages
- ▶ Disadvantages

# Negotiation

- Compromise is crucial
- The goal: mutual satisfaction with the result
- Positional bargaining
- Interest-based bargaining
- Five basic elements of “win-win” negotiation

# Mediation

- The process
- Evaluative mediation
- Facilitative mediation
- Why mediation works

# Adjudicative Processes

- Litigation
- Arbitration
- Arbitrate or Litigate?



# Selecting an Appropriate ADR Procedure

- The client's goals
- The ADR procedure most likely to achieve those goals
- Does the client desire settlement?
- What are the barriers to settlement?
- Choosing an appropriate dispute resolution process

# Conclusion

- The key to success
- ADR's challenges, opportunities, and promises
- The future looks bright

# Q & A

***Marvin J. Huberman, LL.B., LL.M.***

***Barrister, Mediator, Chartered Arbitrator***

***Certified Specialist in Civil Litigation***

20 Dundas Street, West, Suite 1100

Toronto, Ontario, M5G 2G8

Tel: (416) 646-1372

Fax: (416) 946-1961

Email: [mhuberman@marvinhuberman.com](mailto:mhuberman@marvinhuberman.com)

Website: [www.marvinhuberman.com](http://www.marvinhuberman.com)