

Confident about your chances at trial?

Think again:

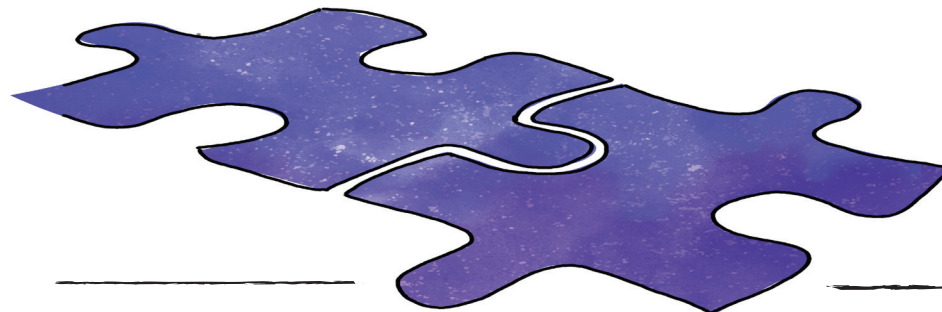
- Plaintiffs get it wrong 2 out of 3 times thinking their cases are worth more than juries do.*
- Defendants get it right more often but when they're wrong, it costs a lot.
- Attorney experience does not improve the error rates.

**Randall L. Kiser, et. al, Let's Not Make a Deal: An Empirical Study of Decision-Making in Unsuccessful Settlement Negotiations, 5 J. Empirical Legal Studies 551 (2008).*

The biggest reasons for error?

Losing perspective
(yours or your client's)

- "Sunk Cost Bias" is the POWERFUL tendency to throw good money (and time) after bad... to save face.
- External Blame: Is it really always someone else's fault?
- Distracted by the Other Side: Responding to the latest tactic of the attorney on the other side instead of developing the case and enhancing settlement value.



Civil ADR Office
Circuit Court for Baltimore City
111 N. Calvert St., Room 248E
Baltimore, MD 21202
410-396-7374

Don't lose perspective.

- Is going to trial best for your client?

If you win in court, what does your client win?

- Post-trial motions?
- Appeals?
- Collection costs?

Vanishing Trials ...

Your colleagues are trying fewer cases and coming to the table more often for ADR (Alternative Dispute Resolution).

Ask yourself: Why?



Civil ADR Office
Circuit Court for Baltimore City
111 N. Calvert St., Room 248E
Baltimore, MD 21202
410-396-7374

ADR / Alternative Dispute Resolution

offers a GREAT DEAL
(maybe a better deal)
For your CLIENT and YOU!

Why?

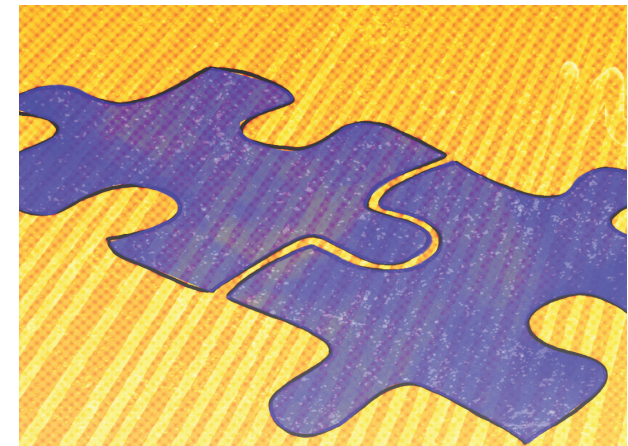
- LESS TIME
- LESS RISK
- LESS COST

PLUS . . .

You control your calendar and the outcome.

Consider Early Evaluation ADR

- Before sinking too much time and money into discovery.
- When key witness depositions are done.
- Or a few months after the answer.



Prepare for the opportunities ADR presents:

- Have the parties & those with authority attend ADR sessions in person (insurance, institutions, company reps)
- Set client expectations for ADR vs. adjudication
- Develop a strategy for the negotiation
- Know how to use the neutral