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.

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.

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?

ADR / Alternative Dispute Resolution

- 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

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 depos 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