

Guide to Arbitration & Mediation Services

USA MEDIATE (a division of Pinnacle Pro, Ltd.) was formed in late 1997 in response to the growing need for alternative dispute resolution ("ADR") services. There is no question that lawsuits are always expensive, but not always fair in their outcome. In the traditional adversarial approach parties and their counsel, are typically geared more to battle than settlement/resolution, and oftentimes the cost of the battle exceeds the original amount of the controversy or obviates the real concerns and interests of the participants. Those cases also typically take far more time to conclude than necessary, whether due to the Court's backlog, a party's delay, or other delays inherent in the system. As a result, many matters which could have either been settled, or summarily resolved, become attorney-fee driven, or cause the incurrence of additional damages. and go to trial for the wrong reasons.

Our experienced mediators and arbitrators are comprised of both legal and industry professionals who are custom selected on a case-by-case basis in order to ensure that all matters are handled by individuals having a familiarity with not only the legal issues involved. but they are also equipped with the substantive expertise to assist in developing creative and prompt resolutions to complex disputes.

Arbitration and Mediation Programs

Mediation

Mediations are conducted at the voluntary request of the parties. Our mission is to facilitate the parties' mutual resolution of their own disputes utilizing contemporary mediation techniques and specialized training in negotiation, impasse resolution and neutral case evaluation. Mediations can be conducted at one of our Arbitration & Mediation Centers, or at any site convenient to the parties. At the request of the parties, we may utilize our Mobile Mediation Unit which can be deployed within hours of the occurrence of a dispute. This is particularly useful in dealing with construction-site disputes. Upon the successful conclusion of a mediation, the parties will depart with a fully executed settlement document which memorializes each and every term of agreement reached by the parties. Thereafter, our mediators remain available to deal with any follow-up matters which arise.

Mediation/Arbitration

In some instances, it is useful to employ a combined mediation/arbitration in order to facilitate a guaranteed prompt conclusion to a dispute. With this approach, the dispute is submitted to mediation. If, during the course of the mediation, the parties and/or the mediator determine that the process is deadlocked, the mediation is immediately converted to an arbitration. Dependent upon the parties' desire, the dispute will either be arbitrated by the

mediator, or an independent arbitrator will be brought in to conclude the matter and render a binding decision. The arbitration can take place either immediately following the conclusion of the mediation, or promptly scheduled thereafter.

Arbitration

At the voluntary request of all parties, any matter may be submitted to our experienced arbitrators for the rendering of a binding decision. Arbitrations can be conducted either formally or informally at the discretion of the parties. Each arbitration shall be conducted by one or more arbitrators who have both legal and substantive knowledge of the issues. We also offer a bond-based program to guarantee that the prevailing party will be able to collect the award from the non-prevailing party without additional proceedings.

Advantages of Mediation & Arbitration

Speed: Unlike the court system, the mediation and/or arbitration of disputes can be conducted, and concluded, very quickly, sometimes within hours after the dispute arises.

Cost: Due to the streamlined approaches used by our mediators and arbitrators, and the quickness with which matters can be concluded, the cost of mediating and/or arbitrating a dispute is typically a small fraction of the cost of a traditional lawsuit.

Control: In a mediation, the decision-making power shifts from the lawyers, judges and juries to the parties themselves. The parties retain control over their own destiny.

Risk/Fear: The risks and fears associated with an unknown outcome are non-existent in a mediation. The parties are able to have their "day-in-court" without bearing the risk associated with an unknown third party making a decision based upon only a small amount of information.

Issues: In both a mediation and an arbitration, the parties have the ability to address many factors and issues which could never be addressed in a traditional court setting.

Confidentiality: Unlike the public nature of a court proceeding, mediations and arbitrations are conducted in a confidential environment. And, in mediations, the mediators are bound by both statutory and ethical considerations to maintain absolute confidentiality as to what is discussed during the course of the mediation.

Neutral: In a mediation the involvement of a neutral third party with substantive expertise to facilitate a resolution and, if appropriate, to evaluate the merit of the dispute, is a valuable resource, typically not readily available in a traditional court setting.

If you have questions, please feel free to contact our Scottsdale office at any time:

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