

Additional Benefits of ADR in Personal Injury Cases



There are significant emotional shifts that take place from the time that litigation is initiated until the time that the litigation is resolved. The ADR process provides the parties with a greater opportunity to manage the ups and downs that accompany these emotional shifts as the litigation proceeds.

Mediation and arbitration should be a standard part of any litigators practice today, especially if that litigator is involved in personal injury litigation. There are a number of benefits to the alternative dispute resolution (ADR) practice. They include significant time and cost savings, prompt resolution of the disputed issue, the ability to select the decision maker and flexibility in setting the rules and the schedule for the matter in question. However, there are several other additional benefits to the ADR process that can be overlooked at times.

The first benefit to proceeding through ADR is the opportunity for the parties “to be heard.” When COVID struck in 2021, trials were deferred and most ADR proceedings were conducted virtually. However, as the impact of COVID has dissipated, the majority of parties do not want their cases to be presented virtually but would prefer to have them presented “in person.”

In discussing this with counsel, I have been told that their clients “want to be heard.” To put it another way, although they have opted to proceed through ADR, their clients and attorneys still want to have their day in court. The ADR process will often be sufficient to satisfy that wish.

Another benefit of ADR is the ability to better manage the emotional highs and lows associated with the uncertainty of a trial. Litigation is an emotionally bruising process especially for those unfamiliar with it. Trial is particularly intense but the pre trial process itself can also be intense as it continually forces the parties to, in part, re-experience the events giving rise to the accident. A personal injury case proceeding through private ADR, generally, involves a serious or life altering injury. It’s unavoidable that the tragedy that gives rise to the litigation will result in the parties to the litigation becoming emotionally involved in the process and outcome.. [READ MORE..](#)

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