



**Business Litigation 2010:**  
Unlocking Successful Strategies  
for Wisconsin Companies

## **Point/Counterpoint Arbitration: Silver Bullet or Dud?**

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## **Point**

- Arbitration is faster and therefore cheaper than litigation.



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## Counterpoint

- The premise that arbitration is faster and cheaper assumes facts not in evidence.



## Point

- Every jury trial is a potential train wreck.



## Counterpoint

- Arbitrators can be stupid too (and you can't correct that stupidity on appeal).



## Point

- Arbitration motivates plaintiffs to settle cheaper because plaintiffs' lawyers hate it.



## Counterpoint

- Most cases will settle regardless of forum and arbitration may make settlement less likely.