

# Alternative Dispute Resolution

For many years, parties have turned to alternative dispute resolution (ADR) as a substitute for court litigation, seeking more expeditious, cost-effective and confidential means to resolve disputes. Bressler has a large team of attorneys with formidable experience in representing clients in arbitration and mediation.

We represent clients nationally in arbitrations before the AAA, JAMS, FINRA and other forums, as well as in ad hoc arbitrations and international arbitrations administered by the ICC, UNCITRAL, and others. Our lawyers have decades of experience representing clients in arbitrations. We are adept at helping navigate the nuances of ADR rules and procedures and the applicable federal and state statutes and treaties. We have been counsel in thousands of arbitration cases, including high-stakes, sophisticated, and complex ones. Our team works in numerous industries and sectors, including automotive and transportation, commodities, financial services, health care and pharmaceuticals, manufacturing and distribution, technology, real estate, retail, and insurance. From reviewing arbitration clauses to enforcing them in court to arbitrating the dispute to conclusion, we help our clients achieve their goals and provide them with first-class legal representation.

## Experience

- AAA Commercial Division – Breach of contract and business torts – Damages claimed in excess of \$5M – We tried the case, all of claimant’s claims were dismissed, and we obtained an award on our counterclaims.
- AAA Commercial Division – Breach of contract and business torts – Damages claimed in excess of \$2M – Claims favorably settled pre-trial.
- AAA Commercial Division – Breach of contract and business torts – Damages claimed in excess of \$100k – Claims favorably settled pre-trial.
- FINRA arbitration; customer asserted claims for violations of the Puerto Rico Uniform Securities Act, common law and constructive fraud, suitability, breach of fiduciary duty, negligence, negligent supervision, and breach of contract in connection with his investment in closed-end mutual funds. \$625k at issue. Denial of claims in their entirety.
- FINRA arbitration; customer asserted claims for unauthorized trading in connection with various bonds in customer’s account. \$1 million at issue. Denial of claims in their entirety.

## PRACTICE CONTACT

Sara Soto

## PROFESSIONALS

John Kincade

Diana C. Manning

Louis F. Mendez

Leonel Peraza, Jr.

Sara Soto

- FINRA arbitration; unsuitability related to CEFs; \$3M claimed damages; award – zero.
- FINRA arbitration; unsuitability related to CEFs; \$3M claimed damages; award – zero.
- AAA arbitration; unsuitability related to leveraged municipal bond investments; \$700k claimed damages; award - zero.
- NYSE arbitration; unsuitability; approx \$1M claimed damages; award – zero.
- FINRA arbitration; fraud and misrepresentation, negligence, breach of fiduciary duty; \$300k claimed; denial of claims in their entirety
- FINRA arbitration; unsuitability; FINRA - \$463,742,706 claimed damages (\$69,564,211 compensatory; \$208,692,633 punitive damages; \$184,735,862 interest, \$750,000 attorneys fees); motion to dismiss granted on eligibility grounds.
- FINRA arbitration - represented firm in action against former client for debt owed in connection with execution of employee stock options. Causes of action included breach of contract, breach of implied covenant of good faith and fair dealing, contractual indemnification, and fraud. Settlement resulted in significant recovery on behalf of client.
- FINRA arbitration - defended firm in claim relating to alleged trading platform malfunction. Causes of action included breach of contract, improper margin calls, negligence, and improper execution of orders. \$200k claimed; zero award.
- FINRA arbitration - defended firm in beneficiary dispute. Causes of action included breach of fiduciary duty, negligence, fraud, and spoliation; \$600k claimed; zero award.
- FINRA arbitration - defended individual against claims of senior exploitation. Causes of action included fraud by omission, unauthorized trading, failure to supervise, and negligence; \$318k claimed; zero award.
- FINRA arbitration - defended claims for violation of the securities laws, fraud, unsuitability, breach of contract and other torts; \$30 million claimed; settled on terms favorable to client.
- FINRA arbitration – defended claims for violations of the securities laws, fraud, unsuitability, breach of contract and other torts. \$26 million claimed; \$1.8 million awarded.
- FINRA arbitration – defended claims for violation of the securities laws, fraud, fraudulent transfers, unauthorized trading, unsuitability, misappropriation of customer funds, breach of contract and other torts; \$6 million claimed; zero award.
- FINRA arbitration – defended claims for violation of the securities laws, fraud, unauthorized trading, unsuitability, breach of contract and other torts. \$5 million claimed; \$204k award.
- ICC arbitration – prosecuted claim for breach of contract and fraud; award for \$957k to our client.
- Ad hoc arbitration – defense of breach of contract claim arbitrated in Indonesia; award favorable to the client.