

Arbitration and Alternative Dispute Resolution

Miller Canfield represents parties in complex commercial matters before domestic and **international** arbitral and mediation tribunals, including the American Arbitration Association (AAA), Judicial Arbitration and Mediation Service (JAMS), International Centre for Dispute Resolution (ICDR) and International Chamber of Commerce Court of Arbitration (ICC), and in private (non-administered) arbitration.

Clients turn to Miller Canfield for our wealth of experience in the alternative dispute resolution (ADR) field, whether in arbitration, mediation, facilitation, or case evaluation. We understand disputes are a part of doing business and happen no matter how hard a company may try to avoid them. And with it becoming standard to require ADR in business contracts, companies need lawyers who have been in the arena and understand how to devise successful strategies to resolve the dispute in their client's favor. We also have deep experience in court proceedings to compel arbitration and enforce arbitration awards.

In addition to representing parties in arbitration and other ADR proceedings, a number of our attorneys serve as arbitrators, mediators, facilitators and case evaluators in commercial and other complex matters. We understand what works—and what does not—in an ADR setting.

Some clients prefer to use ADR instead of the court system for several reasons, including:

- Confidentiality/no public record
- Reduced costs
- Learned factfinders, instead of a public jury

Representative Matters

Served as lead counsel in \$270 million arbitration representing Michigan's largest public utility in power purchase agreement dispute centered on utility accounting and methodologies, including issues related to avoided costs, capitalization, discount rates, healthcare and post-employment benefits, FERC Form 1 and MPSC P-521 accounting, PURPA and other regulatory matters. The matter was administered by the American Arbitration Association.

Successfully represented numerous tier one and tier two automotive suppliers in commercial supply disputes in various arbitration forums around the U.S. Claims have included breach of warranty, defective design, pricing disputes, misappropriation of trade secrets, intellectual property disputes, commission claims by sales representatives, and “stop ship” situations.

Prosecuted and defended competing claims for ownership rights in the largest reserve of brown coal in the world, located in New South Wales, Australia, and oil, gas, coal bed methane, and coal mine methane reserves located in the U.S. The amounts at issue exceeded \$300 million. The matter was seated in the U.S. and administered by the International Centre for Dispute Resolution.

Defended a Chinese buyer in an \$80 million post-M&A dispute with a Mexican company. The matter was seated in the U.S. and administered by the ICC International Court of Arbitration.

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Defended a U.S. seller in a post-M&A dispute with a Chinese buyer involving amounts at issue exceeding \$45 million. The matter was seated in New York and administered by the International Centre for Dispute Resolution

Defended a Chinese manufacturer in a \$20 million international automotive supply chain dispute. Obtained summary disposition on the vast majority of the claims. The matter was seated in Singapore and administered by the Singapore International Arbitration Centre.

Defended a bet-the-division intellectual property claim brought by a Swiss corporation headquartered in the Isle of Jersey, U.K., against a U.S.-based engine manufacturer. The matter was seated in London and administered by the ICC International Court of Arbitration.

Defended a Chinese buyer in a post-M&A dispute with a Dutch seller over business interests in Europe and North America. The matter was seated in Hong Kong and administered by the Hong Kong International Arbitration Centre.

Defended a German automotive interior manufacturer in a multi-million dollar automotive supply chain dispute. The matter was seated in London and administered by the ICC International Court of Arbitration.

Defended a Mexican car parts manufacturer in a multi-million dollar automotive supply chain dispute. The matter was seated in New York and administered by the ICC International Court of Arbitration.

Defended a Mexican buyer in a wide-ranging post-M&A dispute with a U.S. seller over business interests located in Europe, Latin America, South America, and the U.S. The matter was seated in New York and administered by the ICC International Court of Arbitration.

Represented a U.S. distributor in a supply chain management dispute with a Korean manufacturer. The matter was seated and Seoul and administered by the Korean Commercial Arbitration Board.