

Detroit Legal News.

News you cannot get anywhere else.
www.legalnews.com

Vol. CXXIX, No. 225

Friday, November 8, 2024

75 Cents

DAILY BRIEFS

Ackerman wins election to 2nd District Court of Appeals seat

(Gongwer News Service) — Attorney Matthew Ackerman won election to the Court of Appeals to represent the bench's 2nd District on Tuesday, beating candidate Latoya Willis by a healthy margin, according to unofficial election results.

Ackerman will replace Judge Kathleen Jansen on the appellate bench in 2025. The attorney is a partner at Ackerman & Ackerman and had the backing of Chief Justice Elizabeth Clement, Justice David Viviano and Justice Brian Zahra. While generally seen as the conservative option, he also had support from well-known Democrats like Justice Richard Bernstein, former Governor Jim Blanchard and Carl Marlinga, the former Macomb County prosecutor who was the Democratic nominee in the 10th U.S. House District the last two cycles.

He earned 565,230 votes, according to the state's unofficial results for 55 percent of the vote. Willis earned 461,563 votes, or 44.9 percent in the two-way race.

A third candidate was in the race, Randy Wallace, before Governor Gretchen Whitmer in August appointed him to replace Judge Deborah Servitto, whose seat was also up for grabs. His appointment meant he and Judge Adrienne Young became the sole candidates for incumbent seats, meaning Wallace received incumbent designation on Michigan ballots. No one challenged him or Young, so they both won election Tuesday.

'Fundamentals of Problem-Solving Courts' offered online Dec. 4-5

The Michigan Judicial Institute will present "Fundamentals of Problem-Solving Courts" hosted by Problem-Solving Courts (PSC) online Wednesday and Thursday, December 4-5, from 9 a.m. to 1 p.m. via Zoom.

This training will focus on the fundamentals of a successful problem-solving court, such as screenings and assessments, the team approach, team meetings and review hearings, treatment, drug testing, behavioral responses, confidentiality, due process, data and evaluation, and a solid understanding of addiction and mental health.

This training is required for judges and coordinators of programs receiving first-year funding through any SCAO problem-solving court grant program, and new problem-solving court teams and team members are strongly encouraged to attend. It is also recommended for more-experienced team members who want a refresher.

For registration information, contact PSC@courts.mi.gov. After registering, participants will receive a separate e-mail with the Zoom credentials 24-48 hours before the training.



INSIDE DLN

Abandoned Car Auctions . . .	10
Business News	2
Classified Ads	4
Court Digest	4
Court News	5
Legal Notices	10
National News	15
Ordinance	6
Public Hearing Notices	9



Law professor points to *Brown v. Board of Education* decision as a vision for a different America

BY AMY SPOONER
Michigan Law

In a politically polarized time—and a time where public schools are embroiled in culture wars and face existential threats—Professor Elise Boddie encourages us to remember the lessons of the U.S. Supreme Court's landmark *Brown v. Board of Education* decision.

In delivering the American Educational Research Association's annual Brown lecture at Howard University recently, she noted that many people were threatened by the court's ruling that racially segregated schools were unconstitutional.

But, she said, "We also saw light—when ordinary people embraced the possibility of a different America."

Boddie, the James V. Campbell Professor of Law, is an expert on racism and education based on her experience as a scholar and practitioner. Her research explores the regulation and production of race in spatial contexts and dynamic systems that perpetuate racial inequality.

During her previous tenure at Rutgers University Law School, she launched the Inclusion Project, which engaged with

communities, students, faith leaders, educators, and researchers in a multi-sector initiative to build equitable education systems in New Jersey public schools.

Earlier in her career, she worked in several capacities at the NAACP Legal Defense and Educational Fund Inc., including director of litigation and director of education. During her time there, she litigated affirmative action and school desegregation cases in federal district courts and in federal courts of appeals.

In delivering the lecture at Howard University, which she titled, "*Brown* and the Democratic Ideals of Equality, Justice, and Freedom," Boddie talked about the people involved in the nation's most famous desegregation case.

"Their stories are important because they remind us not only of where we have been but also of the journey this country has yet to take, the roads it has yet to travel, and the struggles it has yet

to face," she said.

Boddie did talk about the lawyers who wove together a litigation strategy for the five cases that were consolidated into *Brown v. Board of Education* and the brilliance of their arguments before the US Supreme Court, which led to the favorable ruling.

But, she said, "It's also important to remember that there were people fighting courageously on the ground to secure better educational opportunities for their children. And they did so without the protection of law."

Today, she said, people often focus on the failures of the *Brown* decision. More than 100,000 Black teachers lost their jobs as a result of desegregation, a loss from which the system has never recovered, Boddie noted.

Also, true integration was never fully actualized.

"Indeed, 70 years after *Brown*, many



Elise Boddie

PREMi ADR SPOTLIGHT

PROFESSIONAL RESOLUTION EXPERTS OF MICHIGAN LLC

Arbitration Demystified: A Comprehensive Introduction

BY HARSHITHA RAM



This is the first article in a 12-part series on domestic arbitration, offering a clear guide through each stage of the process. In this installment, "Arbitration Demystified: A Comprehensive Introduction," provides an

overview of arbitration and offers a thorough exploration of the process. Stay tuned for Part 2: "The Arbitration Agreement: Drafting Effective Clauses," coming next month.

Arbitration has become a cornerstone of dispute resolution, offering a cost-effective, flexible, and private alternative to traditional court litigation. It is a process that allows individuals and businesses to settle disputes efficiently through a neutral third party, known as an arbitrator, whose decision (award) is typically final and binding. This article pro-

vides an overview of arbitration, the legal framework that supports it, and its key differences from litigation.

The Federal Arbitration Act (FAA), passed in 1925, forms the backbone of arbitration law in the U.S. The FAA enforces arbitration agreements, mandates that courts honor such agreements, and limits judicial review of arbitration awards. The FAA was enacted in response to business frustration with slow, costly litigation by making arbitration agreements legally enforceable, overcoming courts' previous reluctance. It has a broad scope, covering nearly any commercial activity involving interstate commerce, thus federalizing many disputes and making arbitration clauses widely enforceable. It also establishes a strong presumption in favor of arbitration, requiring courts to stay proceedings and compel arbitration when a valid agreement exists. Section 10 of the FAA allows courts to vacate arbitration awards only on narrow grounds: corruption, arbitrator bias, misconduct, or exceeding authority, thereby limiting court interference and preserving arbitration's

integrity. The FAA preempts state laws that conflict with its pro-arbitration stance—a power consistently upheld by the U.S. Supreme Court—ensuring that federal arbitration policy applies nationwide. However, The Dodd-Frank Act of 2010 introduced important restrictions on mandatory arbitration in certain financial contracts, signaling a shift toward stronger consumer protection. Despite the FAA's strong backing of arbitration, courts can still invalidate clauses deemed "unconscionable" if they are excessively unfair, with interpretations varying by state. This oversight reinforces arbitration's credibility, ensuring fairness and balance within the process. By providing judicial safeguards, arbitration is seen not just as a streamlined alternative to litigation, but as a system grounded in equitable principles, protecting all parties involved.

Not every state has its own distinct arbitration act, but many have adopted versions of the Uniform Arbitration Act (UAA) or its updated version, the Revised Uniform Arbitration Act (RUAA), as the

See **ADR**, Page 15

New Judge Welcomed



An investiture ceremony for Oakland County 52-3 District Court Judge Laura E. Polizzi (left) was conducted Wednesday, September 18, at the Oakland University Oakland Center in Rochester Hills. Michigan Supreme Court Justice Kyra Harris Bolden (right) was happy to attend the ceremony and welcome Polizzi to the bench. Polizzi was appointed to the 52-3 District Court bench this year by Michigan Governor Gretchen Whitmer in May. She previously litigated domestic, business, real estate, juvenile, and criminal matters as an attorney with Polizzi & Medley Law. Polizzi was a member of the State Bar of Michigan Representative Assembly from 2019-2024, and currently serves on the SBM's Character and Fitness Committee.

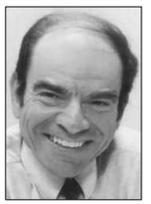
Photo by John Meiu

Local Voice

BERL FALBAUM

Our moral fiber takes a beating in 2024 campaign

Donald J. Trump, who will be sentenced November 26 on 34 felony counts, was elected again as president of the United States on November 5.



Never in my wildest dreams did I think I would ever write a sentence like that. Had I used it in a novel with a candidate like Trump for president, the publisher would have thrown me out on my ear.

Interestingly, the sentencing of Trump was never mentioned in the campaign or in the aftermath of his victory this week.

But this juxtaposition is true and New York Justice Juan M. Merchan will sentence Trump — he faces up to four years in prison — in a case involving falsifying business records to cover up payments of hush money to a porn actress. (My guess: Merchan will sentence Trump and then stay its implementation until Trump finishes his four-year term.)

How in the world did we come to this? When Trump won in 2016, I wrote that like a CT scan that unexpectedly discovers a tumor in a patient who believes he/she is healthy, the election of Trump as president revealed a dangerous malignancy in the body politic of this country.

I wrote that I hoped the cancer would not metastasize, but metastasize it did.

Also, using a medical metaphor, New York Times columnist Maureen Dowd wrote a few days before yesterday's election that we had been immunized against outrage. She did not go far enough. We have been immunized against truth, civility, honesty, decency, integrity, and dignity.

In 2016, some explained that while the electorate knew of Trump's corrupt character, they believed he would change once in office. But this time, it had no such excuse; after four years as president and another four spewing his hate, it knew exactly who Trump was.

The incitement by Trump of an insurrection in which nine people died and 150 police officers were injured meant nothing nor did the two impeachments. Lying about the 2020 election for four years was acceptable as were his efforts to overturn the election with bogus electors. Also dismissed were three criminal cases he faces besides the November 26 sentencing.

With its vote, the electorate put its stamp of approval on: raping and sexually abusing women; lying ad infinitum; misogyny, xenophobia, antisemitism, racism, vulgarity, depravity, and a kind of ugliness this country did not experience even in the Civil War, the Vietnam War protests, or the Civil Rights movement.

For those who believe I am too harsh, consider how major Republicans described their candidate.

JD Vance, now vice-president-elect, called Trump "America's Hitler" and an idiot; Trump's former chief of staff, General John F. Kelly, labeled Trump a fascist; Senator Lindsey Graham said Trump was a xenophobic racist and told him to go to Hell; former Republican Texas Governor Rick Perry described Trump as a cancer on conservatism; former South Carolina governor and presidential challenger in GOP primaries, Nikki Haley, said Trump was unhinged and it would be suicide to elect him; and Texas Republican Senator Ted Cruz painted Trump as a "sniveling coward" and "utterly immoral." Of course, there was so much more from GOP office-holders.

All these ultimately supported Trump. Why? Because their constituents did. While that is detestable, a politician's primary objective is to remain in office. They would not dare scorn the voter. They don't lead; they follow.

Thus, the cancer lies at the core of our body politic. Joe Biden continually said that Trump's venomous, depraved politics did not represent who we are. Sorry, Mr.

See **FALBAUM**, Page 5

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

Money Matters

Nearly two in three homeowners have accrued home renovation debt
Page 2



Commentary

Economic freedom is associated with job creation
Page 3

Legal Affairs

America's glass ceiling remains — Some of the reasons Harris lost
Back Page

Across the Nation

Submit news & views to
bcox@legalnews.com

National Roundup

COLORADO

Appeals court says ban on gun sales to those under 21 can take effect

DENVER (AP) — A federal appeals court ruled Tuesday that a Colorado law raising the age to purchase a gun from 18 to 21 can take effect while the legal battle over it continues.

The 10th Circuit Court of Appeals said that lawyers for one of the young men who challenged the law with a gun rights group, Rocky Mountain Gun Owners, did not meet the legal burden for having the law blocked while the lawsuit played out. It sent the case back to a lower court for further proceedings.

The law was one of four gun control bills signed by Democratic Gov. Jared Polis in 2023 following the lead of other states trying to confront a surge in violent crime and mass shootings.

U.S. District Judge Philip Brimmer issued a preliminary injunction against it before it could take effect. His ruling frequently referenced a U.S. Supreme Court ruling that expanded Second Amendment rights, and concluded that the lawsuit would likely succeed. That 2022 Supreme Court decision in a New York case changed a test lower courts had used for evaluating challenges to gun laws.

Colorado's law effectively sought to prevent those between 18 and 20 from buying rifles and shotguns. A federal law already prevents licensed firearms dealers from selling handguns to those under 21 but that ban has also been challenged in light of the Supreme Court decision.

A Polis spokesperson, Shelby Wieman, said in a statement that the law was "commonsense gun safety legislation."

The executive director of Rocky Mountain Gun Owners, Ian Escalante, did not immediately have a comment on the ruling.

NEW YORK

Man sentenced to life in prison for killing, dismembering woman in life insurance scheme

NEW YORK (AP) — A New York man was sentenced Wednesday to life in prison for a scheme that involved killing and dismembering a woman after fraudulently taking out a life insurance policy in her name to collect the benefits, federal prosecutors said.

Cory Martin, 37, was also sentenced by a federal judge in Brooklyn to a concurrent sentence of 20 years in prison for wire fraud conspiracy and a consecutive term of two years for aggravated identity theft.

U.S. Attorney Breon Peace, whose office prosecuted the case, called it a "ghastly, cold-blooded crime" motivated by greed and executed with extensive planning.

Brandy Odom, 26, had been a sex worker Martin managed and lived with in an apartment in Queens.

"Martin preyed on Brandy Odom. He saw the victim as a way to make money," Peace said in a statement. "He trafficked her for commercial sex, then killed her with his bare hands so he could profit from her death."

Prosecutors said Martin and a co-conspirator fraudulently obtained two life insurance poli-

cies in Odom's name the year before Martin strangled her in her bedroom.

The two purchased cleaning supplies and dismembered Odom's body in 2018 and dumped the parts in a Brooklyn park. They then made several unsuccessful attempts to claim benefits under Odom's life insurance policies before being apprehended in 2020.

A federal jury found Martin guilty in March following a two-week trial in which prosecutors argued Martin had watched crime shows, including "Dexter" and "The First 48," for tips on how to get away with the killing.

"The defendant believed he could thwart law enforcement and cover up this heinous crime by relying on television shows about murder, but the investigatory efforts of law enforcement brought him to justice," Peace said Wednesday.

Lawyers for Martin didn't immediately respond to an email seeking comment.

NEW YORK

Rapper Tekashi 6ix9ine strikes deal to end current jail stint

NEW YORK (AP) — Rapper Tekashi 6ix9ine struck a deal to end his current jail stint, agreeing to serve a month behind bars for violating the terms of his release after a felony conviction, prosecutors said Wednesday.

The deal with federal prosecutors was described in a letter partially endorsed by a Manhattan federal judge. It calls for the entertainer to be sentenced to a month in jail, followed by a month of home incarceration, a month of home detention and a month of curfew. He would also be subject to electronic monitoring.

Judge Paul A. Engelmayer said he will sentence the performer whose real name is Daniel Hernandez immediately after he admits to the violations at a Nov. 12 hearing. He said he will require each side to explain why a one-month jail sentence followed by three months of home incarceration, detention or curfew are sufficient for repeated violations of probation.

The terms of the deal also call for Tekashi 6ix9ine to submit to supervision from the court's Probation Department for another year.

Tekashi 6ix9ine, 28, was with in a few months of being free from court supervision when he was arrested on Oct. 29 after his probation officer complained that he wasn't following rules about obtaining permission in advance to travel and that he had failed drug tests.

In 2019, Engelmayer sentenced him to two years in prison in a racketeering case after the musician pleaded guilty that same year to charges accusing him of joining and directing violence by the gang known as the Nine Trey Gangsta Bloods.

In April 2020, Tekashi 6ix9ine was freed months early from his prison sentence after complaining that his ailments made him particularly susceptible to the coronavirus, which was spreading through the nation's jails and prisons.

Engelmayer, expressing dismay at the artist's apparent failure to follow the rules, noted at a hearing last month that he had granted compassionate release to him during the coronavirus crisis.

The rapper apologized and told the judge he was "not a bad person."

NATION

Abortion rights amendment's passage triggers new legal battle in Missouri

Success of ballot measures didn't carry over to statewide Democratic candidates

By CHRISTINE FERNANDO
AND GEOFF MULVIHILL
Associated Press

WASHINGTON (AP) — Abortion rights advocates prevailed on seven ballot measures across the U.S. in Tuesday's election and lost on three.

The losses are the first on statewide reproductive rights ballot measures anywhere in the U.S. since the Supreme Court overturned Roe v. Wade in 2022, a ruling that struck down the nearly 50-year nationwide right to abortion, proving that abortion opponents can win on ballot measures.

There were firsts on the other sides, too: Three amendments call for rolling back abortion bans, including one in Missouri that bars it at all stages of pregnancy with exceptions only under limited circumstances to save the life of the woman.

Here's a look at takeaways from the results.

Abortion is headed to court in the push to overturn Missouri's ban

Missouri is the most populous state where a ballot measure could roll back a current ban on abortions at all stages of pregnancy.

But the work isn't done there.

Planned Parenthood affiliates that operate in Missouri filed in a state court Wednesday seeking to invalidate the state's abortion ban and several laws that regulate the care.

The Missouri amendment, which is to take effect Dec. 5, does not specifically override any state laws. Instead, the measure left it to advocates to ask courts to knock down bans that they believe would now be unconstitutional.

Planned Parenthood leaders said Wednesday on a Zoom call with reporters that they want to start offering abortions at clinics in Columbia, Kansas City and St. Louis if they get the judicial ruling they're requesting — starting with blocking enforcement of laws on the book.

"This is only the first step to realizing and fully implementing the protections of Amendment 3. It's certainly not the last step," said Richard Muniz, interim president and CEO of Planned Parenthood Great Rivers.

Clinics had stopped providing abortions in Missouri even before the state's ban took effect in 2022. They said a list of regulations made it impossible for them to operate. In its legal filing, the Planned Parenthood affiliate that covers much of the state says the onerous requirements include clinicians who provide abortion have surgical licenses and that they conduct pelvic exams on all patients — even if they offer only medication abortions.

"Some of these patients choose medication abortion precisely because they do not want instruments inserted into their vagina," Dr. Selina Sandoval, an associate medical director for Planned Parenthood Great Plains, said in a legal filing. "I cannot and will not subject my patients to unnecessary exams."

Planned Parenthood also objects to laws requiring clinicians to have admitting privileges at nearby hospitals, mandating a 72-hour waiting period for abortions and banning telemedicine for abortion. Besides the ban on abortion at all stages of pregnancy, the group is calling for having other bans that kick in after eight, 14, 18 and 20 weeks of pregnancy to be struck down.

Abortion rights are popular with voters

Abortion rights advocates heralded victories at the ballot box as a signal of widespread support for abortion rights, even in conservative states.

The three states where abortion measures were defeated had special circumstances that weren't present in the others.

In Florida, the threshold for passing a constitutional amendment is 60% while most states require a simple majority. Most voters supported adding abortion rights — but it fell short of the requirement.

There, Gov. Ron DeSantis, a Republican with a national profile, also presented a challenge to proponents by steering state GOP funds to counter the measure and defending a state agency for publishing a webpage attacking it, among other government efforts.

In South Dakota, the measure is different from the others because it would have allowed the state to regulate abortion in the second trimester — but only in ways that protect the health of the woman. Because of that provision, most national abortion rights groups did not put money into promoting it, which could have been a factor in its failure in a conservative state.

In Nebraska, both sides had questions on the ballot. Voters passed the one that bars abortion after the first 12 weeks of pregnancy — which is in line with current state law — and also allows the possibility of more stringent bans. They also rejected the measure that aimed to enshrine into the state constitution the right to abortion until viability, which is considered to be sometime after 21 weeks of pregnancy, though there's not a fixed time.

Abortion rights advocates condemned the novel strategy by anti-abortion groups of putting a competing measure on the ballot as an attempt to confuse voters. The approach was considered by anti-abortion groups elsewhere.

Trump's return to the White House could also shape abortion policy

Republican Donald Trump reclaimed the presidency, despite his consistently shifting stances on reproductive rights.

If Republicans win the House, in addition to their victories in the Senate and White House, it could open the door to the passage of a national ban.

Trump has said he would veto a national ban, despite previously declining to answer questions about it.

But Republicans have been accused of attempting to recast federal abortion restrictions as "minimum national standards" in order to distort their own stances on the issue, given the political unpopularity of the GOP's position on abortion.

Judicial appointments have already shaped the national abortion landscape. Trump has repeatedly taken credit for appointing three justices to the U.S. Supreme Court who helped form the majority that overturned Roe v. Wade. It's not just the Supreme Court. Trump-nominated U.S. District Judge Matthew Kacsmaryk has issued rulings with nationwide consequences, including one impacting access to the abortion pill mifepristone.

Through executive power, a president could also restrict abortion pills sent through the mail

and declare that a law that requires doctors to stabilize emergency room patients does not require them to provide abortion. A new administration could also pull back on a federal lawsuit that challenges aspects of Idaho's ban.

Results show voters willing to split the ticket on abortion issues

One interpretation of the presence of some of the ballot measures was that they were put up in part to drive turnout of Democratic voters in candidate elections.

If that was the plan — and some abortion rights advocates say it wasn't — it didn't seem to sway other statewide races.

The mostly Republican states of Montana and Missouri passed abortion rights protections and also elected GOP candidates for president, U.S. Senate and governor.

In Montana, Republican Tim Sheehy defeated three-term incumbent Sen. Jon Tester, who attempted to pair his campaign with the abortion rights push.

Three other Republican states — Florida, Nebraska and South Dakota — rejected abortion ballot measures and supported Trump for president and GOP senators where they were on the ballot.

The Democratic states of Colorado and Maryland expanded abortion rights and voted for Democrats in statewide elections. The same is true in New York, where the ballot measure bars discrimination on the basis of "pregnancy outcomes" and does not mention abortion specifically — but was championed by abortion rights advocates, who say it will preserve access.

The measures also passed in Arizona and Nevada.

Abortion rights fail to deliver Democrats wins in Senate

Democrats in the most competitive Senate races centered their closing argument and ads around abortion, an issue they hoped to capitalize on after it has previously motivated voters up and down the ballot. But abortion rights failed to put them over the top — including in Montana.

Texas Rep. Colin Allred, a Democrat, failed in his bid to defeat Sen. Ted Cruz after investing \$5 million in an ad campaign focused on abortion and invoking the issue in campaign trail speeches and during an October debate. Allred leaned on the personal stories of Texas women impacted by the state's abortion ban that have sparked national outrage.

In Ohio, Republican Bernie Moreno defeated incumbent Sen. Sherrod Brown after Brown and his allies pounced on cellphone video that emerged late in the campaign showing Moreno criticizing suburban women who base their votes on abortion rights.

A hotly contested race between Democratic Sen. Tammy Baldwin and Republican Eric Hovde has also focused heavily on abortion and appeared to be close enough early Wednesday for a recount to be requested.

Voters in a conservative Texas city shot down a local anti-abortion proposal

In the Texas city of Amarillo, located in the state's conservative Panhandle region, voters overwhelmingly rejected an anti-abortion proposal that would have essentially banned travel for those seeking abortions out of state by allowing civil lawsuits against anyone who helps a local resident obtain an abortion.

The "Sanctuary Cities for the Unborn" ordinance was rejected by nearly 60% of voters.

ADR:

At its core, arbitration is private and consensual process

From Page 1

basis for their arbitration laws. The Michigan Uniform Arbitration Act (MUAA), closely aligned with the Revised Uniform Arbitration Act (RUAA), modernizes Michigan's arbitration framework by offering streamlined processes and robust safeguards. It provides judicial oversight at key stages, such as compelling arbitration and vacating awards, but limits court involvement to preserve arbitration's efficiency. Unique features include strong disclosure requirements for arbitrators to ensure impartiality, broad arbitrator powers to issue remedies and manage discovery flexibly, and the ability to grant interim relief to prevent harm while arbitration is pending. The MUAA emphasizes the finality of awards, with limited grounds for vacating them, ensuring swift and predictable resolutions. Additionally, while confidentiality is not automatic, parties may agree to keep proceedings private. Overall, the MUAA balances party autonomy

with fairness, making arbitration in Michigan an efficient, credible alternative to litigation.

These state acts provide a consistent framework for arbitration across state jurisdictions, aligning closely with the FAA to ensure that arbitration agreements and awards are enforceable at both the state and federal levels. Additionally, the New York Convention facilitates the enforcement of international arbitration awards, ensuring the process is recognized globally.

At its core, arbitration is a private, consensual process. Unlike litigation, which unfolds publicly in courts, arbitration allows disputes to be resolved in a confidential setting. It is highly valued for its flexibility: parties can select arbitrators with subject matter expertise, establish procedural rules, and decide on the location of hearings. This adaptability leads to quicker and more efficient dispute resolution. One of arbitration's greatest advantages is confidentiality. This is particularly significant in business disputes where sensitive information or

trade secrets are at stake. Unlike court proceedings, which are part of the public record, arbitration can be kept private, protecting the reputations and interests of the parties involved.

Arbitration offers several advantages over litigation, including greater speed and efficiency, as it avoids lengthy court delays and lacks an appeal process. It can also be more cost-effective due to streamlined procedures and reduced discovery costs, despite the expense of hiring arbitrators. Arbitration provides flexibility, allowing parties to choose their arbitrator and tailor the process, and maintains confidentiality, protecting sensitive information unlike public court trials. However, arbitration awards are generally final, with limited appeal options, which enhances certainty but reduces recourse for errors. Discovery in arbitration is typically limited, which can save time and costs but may restrict evidence-gathering compared to formal litigation procedures.

Although arbitration may

involve initial costs and limited recourse for appeals, it still remains a preferred choice for parties desiring a streamlined, adaptable dispute resolution method. As arbitration continues to evolve and grow in prominence, understanding its mechanisms and advantages is crucial for businesses, legal practitioners, and individuals involved in disputes. In our next installment, we will explore "The Arbitration Agreement: Drafting Effective Clauses," offering insights into creating strong arbitration agreements that set the foundation for a successful resolution.

Harshitha Ram is an international disputes attorney, arbitrator, mediator, lecturer in law, and the president of the Global Arbitration Mediation Academy (GAMA). She serves as the chair of the ADR Section of the Detroit Bar Association and is the publications chair for the Arbitration Committee of the American Bar Association. To learn more or to connect with her, visit: www.harshitharam.com.

HERE'S WHAT LAW FIRMS KNOW ABOUT FILLING A LEGAL POSITION. YOU DON'T NEED TO REACH EVERYONE.

JUST THE RIGHT ONE.

Make sure your advertising reaches qualified applicants already employed in the legal community.

Advertise in the **Detroit Legal News**.

For assistance in placing your ad, call

734.477.0201