

[Litigators: Why I Like Baseball Arbitration](#)

By [Cordell Parvin](#) on April 12th, 2013

I am sure every lawyer reader knows that the best client development comes from ideas generated while working on an actual matter for a client. That is the time when you make the greatest impression.

It was the largest contract, and the largest contract dispute I ever handled. The executives of each company knew each other and they did not want to litigate the dispute in court. My client asked for my suggested dispute resolution. I suggested [baseball arbitration](#). To be more precise I suggested night baseball arbitration.

In baseball arbitration each party submits a proposed monetary award and the arbitrator ultimately picks which one. In night baseball arbitration the parties submit their proposed monetary award to each other. The arbitrator does not know the amounts. Upon delivering the decision, the award that is mathematically closest to the arbitrator's award is delivered as the binding award.



I suggested night baseball arbitration because I was confident in a legal argument that would support no award. I also believed that the matter would not be settled without each party fearing the possibility that the arbitrator's award would be closer to the other side's proposed award.

I remember a conference call with all of my major client's executives and lawyers. When the CEO asked me what our proposed monetary award should be, I made sure our malpractice insurance was paid, and said: \$0.

Making a long story short, before arbitration the case settled for very little money, about 1% of what the other party demanded. I don't think it would have ever settled if we did not have the blind baseball arbitration in place.

What's the point? I think there are two:

1. Your best client development happens when you are working on a tough project with your client.
2. Clients want and expect outside lawyers to think outside the box and come up with creative solutions to resolve their problems.

I guess I could make a third point: If you are recommending that your client go "all in" on a matter, you better be sure of your position. Your future will depend on being right.

If you are interested, take a look at the [Alternative Dispute Resolution](#) Guide I prepared for construction contractors.

Cordell M. Parvin built a national construction practice during his 35 years practicing law. At *Jenkins & Gilchrist*, Mr. Parvin was the Construction Law Practice Group Leader and was also responsible for the firm's attorney development practice. While there he taught client development and created a coaching program for junior partners. In 2005, Mr. Parvin left the firm and started Cordell Parvin LLC. He now works with lawyers and law firms on career development and planning and client development. He is the co-author of *Say Ciao to Chow Mein: Conquering Career Burnout* and other books for lawyers. To learn more visit his Web site, www.cordellparvin.com or contact him at cparvin@cordellparvin.com.