



## Non-Adversarial Dispute Resolution Facilitates Global Business Relationships

*By Robert Christopher, Director and Founder, Just Resolve*

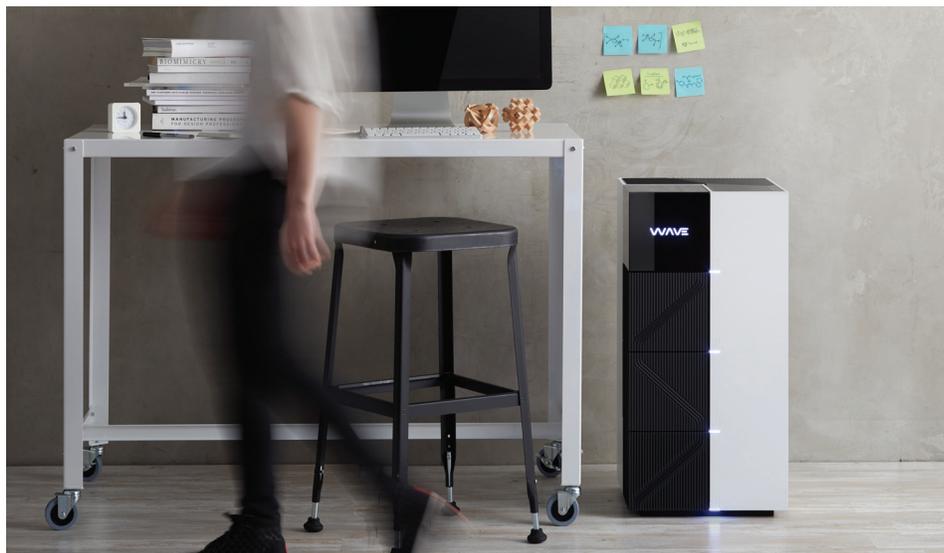
**S**ilicon Valley-based Wave Computing is exploring new ways to speed up neural network training and inferencing for artificial intelligence (AI) applications. The company is revolutionizing deep learning systems. Its mindset is that of a disruptive startup — nimble, pioneering and unconventional.

Like most companies, Wave Computing needs to protect its reputation, financial capital and executive resources. Recognizing that legal disputes have been the downfall of many startups, one of the company's disruptive business practices is its approach to handling potential legal disputes with other firms. This is especially important to Wave, as the firm is involved in business on a global scale.

### “Litigation-Happy” U.S.A.

“Companies from outside the US are often very wary of how we resolve disputes,” says Wave Computing vice president and general counsel Paul Alpern. “Much of what they know about our legal system is what they see on TV or read online or in the newspapers. Most of the time, it’s not a pretty picture.”

In Japan and China, for example, the prevailing business culture is geared towards ensuring dignity for both parties, saving face even for the losing side, and salvaging business relationships by finding the best solution for all. Japan’s Ministry of Justice limits the use of the legal system for dispute resolution. China considers maintaining



harmonious relations during a dispute the cultural ideal. While power and corruption can create an uneven playing field in any country, in Asia there is a disinclination towards adversarial court battles.

With many ties to global firms, Wave Computing needed a way to reassure its overseas customers and vendors that the American legal system would not take over in the event of a dispute. Its solution is to include a non-adversarial dispute resolution (NDR) clause in its contracts.

### NDR Like Litigation Insurance

The NDR process, pioneered by Just Resolve, keeps the best elements of litigation, arbitration and mediation — those ensuring a fair process and neutral decision-

makers — while jettisoning high-cost formal discovery and dueling advocates. In the event of a legal dispute, the NDR clause within a contract allows for the use of a neutral arbiter agreed upon by both parties. Arbiters are usually experts either in their field or in the legal profession.

NDR is different because the neutral arbiters personally investigate what went wrong. Arbiters interview witnesses and limit the kinds and amount of records and other information collected and reviewed to that which is most relevant. After each party has a full opportunity to tell its side of events, the arbiter weighs the facts and renders judgment. Gone are the risks and costs of uncapped discovery, procedural maneuver, and triggered egos and emotions.

“With NDR, the fees are fixed or designated as not-to-exceed, so we have a good knowledge of the costs going in. Most disputes can be resolved in weeks or months, rather than years. That’s why one could call it a form of litigation insurance,” says Alpern.

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**Non-adversarial dispute resolution (NDR) allows both parties to agree on a neutral arbiter who interviews witnesses and collects all relevant information, before rendering judgment.**

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#### **Simple to Insert NDR Clause**

For businesses and enterprises that choose to insert an NDR clause into their

contracts, Just Resolve provides access to a selection of clause templates corresponding to a wide variety of situations and options. For example, there is contractual language covering expedited mediation, the number of arbiters, appeals and advisory resolutions, and a forum selection based on fairness and convenience.

With most contracts, inserting an NDR clause is as easy as copying content from the Just Resolve website. The process is customizable and adaptable to fit the legal requirements of most countries.

“We want our international vendors and customers to be confident about doing business with us. Having the NDR clause in our contracts enables us to maintain strong global relationships because, if there is a dispute, both parties know there is a balanced and expedited way to resolve the dispute with the focus on getting to the facts, fairness and indeed, honor,” Alpern says.

“By including Just Resolve’s NDR clause in our contracts, Wave Computing

can focus more effectively on bringing better, faster AI acceleration solutions to market instead of obsessing over possible risks of legal battles.”

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Contact:

**Just Resolve**

111 N. Market Street, Suite 300

San Jose, CA 95113

Phone: 855-280-2588

E-mail: [contact@justresolve.com](mailto:contact@justresolve.com)

Web: <http://www.justresolve.com>