



Dispute Resolution

Barker Martin understands the impact of litigation on its community association clients. That's why, wherever possible, we aggressively pursue early negotiation, mediation, and other conflict resolution methods to assist our clients in successfully resolving their claims at the earliest possible date. Though our litigation attorneys are well experienced battling with the largest insurance companies and national contractors in court, we have found that many disputes can be resolved more efficiently and advantageously outside of the courtroom. In fact, Barker Martin's partners have collected over \$120 million in settlement funds on behalf of its construction defect clients.

Our attorneys were some of the first in the region to adopt contractual Dispute Resolution Agreements ("DRAs") which became the framework for Washington legislation in 2005 that mandated investigation and reporting schedules in construction defect cases. But not all DRAs are alike. Successful agreements contain strict discovery and report deadlines, as well as tolling provisions that "freeze" the time periods during which a claim must be brought. DRAs benefit both developers and homeowners because they keep the dispute out of the public eye, out of the courts, and can often lower the costs of the entire action. Through carefully tailored drafting and strategic use of DRAs, Barker Martin has successfully settled numerous claims without ever having to file a lawsuit.

Mediation is also a key component to resolving cases, whether or not a lawsuit has been filed. Our litigation attorneys have successfully mediated the vast majority of our cases without the necessity for costly trial proceedings. However, if we do need to fully litigate a claim, our litigators are seasoned trial attorneys. When arbitration is mandated or is beneficial to the client, Barker Martin is well-versed in arbitration proceedings. Ultimately, the team at Barker Martin is creative, adaptive and resourceful in relying on multiple dispute resolution tools to obtain proven results for our clients.

- Mediation
- Arbitration
- Dispute Resolution Agreements
- Litigation
- Appeals