Is ADR Helpful in The Entertainment Industry

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Negotiation and Deal Making

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IS ADR HELPFUL IN THE ENTERTAINMENT INDUSTRY

Some say in the Entertainment Industry there are many different issues that can happen during the length of someones’ career. For this reason, people have to come up with different options that will deal with these kinds of negative situations. Alternative Dispute Resolution techniques could possible be a good option when it comes to dealing with legal issues that. May arise during business situations in the Entertainment Industry. What is Alternative Dispute Resolution (ADR), it is “the procedure for settling disputes without litigation, such as arbitration, mediation, or negotiation”. (FindLaw, 2020, para. 1) Depending on the situation people could utilities Alternative Dispute Resolution techniques to give both parties a chance to hear each other opinion in the situation and come to agreement more privately and without litigation. These three techniques “arbitration, mediation or negotiation” might be able to properly defuse some issues.

Arbitration can be helpful because the different parties having an issue could bring in a specialist that has the experience required to help them come to a conclusion. “In arbitration, a neutral person called an ‘arbitrator’ hears arguments and evidence from each side and then decides the outcome of the dispute”. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 7) The parties involved can decide between doing a “binding” (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 7) or “nonbinding” (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 7) arbitration. When the parties decide to do a Binding arbitration, they “waive their right to a trial and agree to accept the arbitrator’s decision as final”. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 7) When using the binding arbitration, the two parties put themselves in a situation that they cannot change once the outcome has been decide. If one party was to not agree with the decision, they do not have the ability to decide they do not want to accept the final decision that the arbitrator chooses. On the other hand the two parties could choose Nonbinding arbitration which “means that the parties are free to request a trial if they do not accept the arbitrator’s decision. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 7) It is possible to believe that the arbitration Alternative Dispute Resolution technique is best used when the two parties are not able to come to a happy agreement with one another and needs a professional to help them come to a pleasing and fair decision. Curtis Jackson has undergone a lot of different lawsuits. Him and HipHopDX.com had a dispute in which the website believe that he was defacing their company and sued him for defamation. Arbitration would have been useful because they could have meet up with Mr. Jackson privately with a professional. Both parties would have been able to provide the expert with information to support their argument and had that individual decide the decision. Instead the company HipHopDX lost the case in court and ended up having to pay Mr. Jackson 20,000. They not only lost time and money but their creditability as an reliable new source which is the reason why they were suing Mr. Jackson in the first place. The arbitration would have been helpful in education the two parties for future endeavors and keeping the honor of both of the parties in tack.

Mediation might be useful when the parties involved want to come to a conclusion themselves and not handle the situation in a court room. “In mediation, an impartial person called a ‘mediator’ helps the parties try to reach a mutually acceptable resolution of the dispute.” (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 4) The parties involved will have a mediator that will help them “communicate so they can try to settle the dispute themselves”. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 4) It is possible that the mediation process could be delayed or unsuccessful because “one of the parties is unwilling to cooperate or compromise”. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 6) That is why it is probably best used when the “parties have a relationship they want to preserve”. (CALIFRONIA COURTS THE JUDICIAL BRANCH OF CALIFORNIA, 2020, para. 5) Curtis Jackson also known as “50 Cent” sued HipHopDX.com for using his picture without his permission. (TheBlast, 2018, para 2) Mediation might have been useful in this situation because he could have asked to meet with the representative of the company and the form of a mediation ADR so that they could privately discuss the what’s and why’s of the situation and come to a better understand and agreement. He possibly could have gotten more money out of the situation and a better article written about him in the process if the mediation went well.

Negotiation might be the most private form of Alternative Dispute Resolution technique because it “allows the parties to meet in order to settle a dispute”. (Legal Information Institute, 2017, para. 3) When negotiating the parties involved can meet privately and discuss their different bargaining positions. Curtis Jackson was sued by HipHopDX.com and later had the case dismissed and instead sued the company and settled for $20,000. A negotiation would have been helpful in this type of situation. If Hip Hop DX would have asked to meet with Curtis Jackson and have a negotiation and talk about their concern they may have been able to come up with a better agreement instead of publicly losing the court case and then having to pay the person they initial tried to sue.

In Conclusion, Alternative Dispute Resolution techniques can be extremely helpful with dealing with complications that may arise between separate parties in the Entertainment Industry. Utilizing such techniques will help keep the situation private from the public eye and court system. The arbitration technique is best used when the parties want professional help with the situation. The mediation technique is best used when the parties want to have an individual to help them properly communicate with each other but not make the final decision. Finally, negotiation is best used went the different parties want to meet up together privately and come to an understand that will benefit both of them.

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