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Alternative Dispute Resolution (Academic)

ALTERNATIVE DISPUTE RESOLUTION		
OVERVIEW	12. AUTHORITY: FRCP, Rule 16. In alternative dispute resolution and delay	15. PRIVATE ENFORCEMENT OF VOLUNTARY RESOLVE TERMS
1. PRIVATE ENFORCEMENT	1. Advantages	1. Court filing parties in voluntary resolution rather than require submission to litigation
1. Advantages of litigation	2. Court cost control	2. Discretion in generally non-binding
2. Private ADR engaged as an voluntary basis	3. Dispute control	3. No guarantee of finality
2. PRIVATE STRATEGIC PLANNING	4. Dispute control	4. Binding contract relationship between parties and under binding contract
1. Identify client's goals and objectives	5. Dispute control	5. Neutral person design and manage negotiation process
2. Identify required action	6. Dispute control	6. Generally enforceable with a court, unless waived
3. PRIVATE STRATEGIC PLANNING	2. Adversary Procedures	3. Mediation
1. General/ Collaborative Multi-Dispute Resolution	1. Federal Arbitration Act (9 U.S.C. § 1 et seq. (FAA))	1. Neutral person meets with parties jointly or separately to encourage communication requirements
2. Create options to satisfy individual needs of each party based on common interests	2. Alternative Dispute Resolution Act (9 U.S.C. §§ 401 et seq. (ADRA))	2. Suggests possible solutions
3. Define rights to maximize individual outcomes with minimal impact to opposing party's needs	3. Arbitration Mediation Act	3. Parties meet jointly with their attorneys to resolve dispute
4. U.S. in personal injury case - claims for recovery compensation	4. Arbitration Mediation Act	4. Agree to use neutral experts
4. Resolution Panel	5. Arbitration Mediation Act	5. Agree that attorneys and experts are disqualified from further representation if sufficient not reached
1. actual value beyond which party will not settle, i.e., lowest amount Plaintiff will take and highest amount Defendant will pay	6. Arbitration Mediation Act	6. Parties and attorneys responsible for complete, voluntary disclosure and joint evaluation of issues
5. Mediation/ Negotiation	3. Neutral Experts	7. Non-Order
1. Mediation/ Negotiation	1. Appointed by court to examine factual issues and provide neutral, non-binding opinion on issues	1. Resolves factual discovery
2. Mediation/ Negotiation	2. Court Order/ Arbitration Mediation Act	2. Neutral person mediates with, and hears provisions from by, mediation of each party, then issues an enforceable opinion
3. Mediation/ Negotiation	3. Arbitration Mediation Act	3. Confidentiality
4. Mediation/ Negotiation	4. Arbitration Mediation Act	4. Facilitates an arbitrator within organization that deals with large number of people
6. Arbitration	4. Summary Jury Trial	5. Provides assistance to formal formal completion
1. Arbitration	1. Mediation/ Negotiation	6. Neutral Arbitration
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92. Arbitration	92. Arbitration	97. Arbitration
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94. Arbitration	94. Arbitration	99. Arbitration
95. Arbitration	95. Arbitration	100. Arbitration



Synopsis

This useful study guide to Alternative Dispute Resolution outlines the steps and procedure involved in settling disputes in an official fashion while preempting litigation.

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