

# ALTERNATIVE DISPUTE RESOLUTION

## 5 Types of ADR



### Negotiation

Traditionally occurs directly between the parties & their counsel & does not involve a neutral third party.



### Mediation

Very flexible process that can be effectively used at any time during the dispute.



### Collaborative Law

Collaborative attorney represents both parties, & both parties agree not to litigate.



### Arbitration

Neutral arbitrator renders a decision, called an award, after there has been a presentation of evidence.



### Conciliation

Neutral third party to communicate with the parties in the exchange of information & settlement options.

## Alternative Methods Of Dispute Resolution

**CH Cherryholmes**

## **Alternative Methods Of Dispute Resolution:**

**Alternative Methods of Dispute Resolution** Wayne I. Fagan, St. Mary's University (San Antonio, Tex.). School of Law. Center for International Studies. Joint Venture, 1993

**Alternative Methods of Dispute Resolution** Martin A.

Frey, Beverly Rodgers, Oklahoma Bar Foundation, University of Tulsa, Alternative Dispute Resolution Center (Tulsa, Okla.), 1989

*Alternative Dispute Resolution* Alexander H. Bevan, 1992 Alternative dispute resolution ADR is a term embracing a number of processes that have emerged in order to cope with disputes particularly in the commercial world. This introduction to ADR includes case histories ranging from personal injury disputes to construction litigation

**Alternative Methods of Dispute Resolution** Martin A. Frey, 2002-08-02 This textbook describes different methods of dispute resolution and outlines the advantages and disadvantages of each. Specific examples are used to illustrate key concepts and role play exercises are included as a means of reinforcing the main ideas. Unilateral, bilateral and third party approaches are all considered with discussion of inaction, acquiescence, self help, negotiation, juries, mediation, arbitration, litigation and private judging

**Alternative Methods of Dispute Settlement**, 1979

Alternative Dispute Resolution Andrew Pirie, 2000-12-21 Alternative dispute resolution or ADR as it is commonly called has come to have an enormous influence on disputing practices in North America and beyond. This influence is bound to continue well into the new millennium. It is now more than ever necessary to study and be familiar with ADR developments. This book takes you on a journey into the science, skills and law that make up this exciting new field. Readers will have opportunities to consider the conflicting meanings attributed to ADR and to decide which ones might make most sense for them. The book covers the major disputing processes

**Alternative Dispute Resolution System** Dr. Ashok Kumar, 2021-09-09 **ALTERNATIVE DISPUTE RESOLUTION SYSTEM** Global And National Perspective The book provides suitable and codified materials and information regarding the Alternative Dispute Resolution System. The whole book is divided into two parts and twenty chapters. Part one is related to the International ADR and part two is concerned with the National ADR. Chapter one is concerned with the Origin and Historical Development of ADR. Chapter two is related to the ADR in the United Kingdom. Chapter three provides the ADR in the USA. Chapter four is related to ADR in Hong Kong. Chapter five is concerned with the ADR in Canada. Chapter six describes the ADR in New Zealand. Chapter seven provides the ADR in Hungary. Chapter eight gives a brief history of ADR in the Philippines. Chapter nine is concerned with ADR in Pakistan. Chapter ten is related to the ADR in China. Chapter eleven is concerned to Netherland. Chapter twelve is related to ADR in Japan. Chapter thirteen is related to the Nature and Historical Development of ADRS in India. Chapter fourteen is related to the factors responsible for ADRs. Chapter fifteen is concerned with the Techniques of the ADRs. Chapter sixteen is related to the Indian Statutes and ADR. Chapter seventeen is designated as NyayaPanchayat and Gram Nayalaya. Chapter eighteen is related to the Arbitration and Conciliation Act 1996. Chapter nineteen is related to the Innovative Trends of Justice and ADR. Chapter twenty is concerned with litigation policy and some

valuable suggestions are given or mentioned Chapter twenty one is related to some Important International and National ADR Rules The language of the book is easy and the same will be useful to the students Sourcebook, Federal Agency Use of Alternative Means of Dispute Resolution Marguerite S. Millhauser,1987 Attorneys General and New Methods of Dispute Resolution Michael G. Cochrane,1990 Alternative Methods of Dispute Resolution Frank E. A. Sander,1985

Alternative Dispute Resolution in Energy Industries Mustafa Oğuz Tuna,2022-04-03 The disputes that arise between host states and investors in the energy sector put a high number of valuable and vital projects in the countries at risk Investment treaty arbitration mechanisms as the traditional remedy have provided a solution to these problems for decades However as the number of disputes increases the sufficiency of arbitration in responding to disputes became questionable in addition to the long lasting and costly cases Accordingly ADR mechanisms outside the arbitration cannon have triggered growing interest among practitioners Despite the attraction and the apparent benefits of ADR such as being cheaper faster and with better outcomes compared to arbitration there are also hurdles in front that hinder the application of ADR This has lead to the underuse of ADR in appropriate contexts This study has been conducted to research the gap for the applicability of the ADR methods for investment disputes in the energy sector with the doctrinal analysis of the existing literature either promoting or opposing ADR Its findings provide guidance for alternative dispute resolution practitioners on when to use ADR how to use ADR and on what disputes ADR to be used to resolve conflicts in International Energy Investment A Study of Barriers to the Use of Alternative Methods of Dispute Resolution ,1984

### **International Contracts and National Economic Regulation:Dispute Resolution Through International Commercial Arbitration** Mahmood

Bagheri,2000-12-06 The growth of national economic regulation and the process of globalisation increasingly expose international transactions to an array of regulations from different jurisdictions These developments often contribute to widespread international contractual failures when parties claim the incompatibility of their contractual obligations with regulatory laws The author challenges conventional means of dispute resolution and argues for an interdisciplinary approach whereby disciplines such as international economic law conflict of laws contract law and economic regulations are functionally united to resolve international and multifaceted regulatory disputes He identifies the normative foundation of contract law as an important determinant in this process contending that contract law is essentially neutral and underpinned by the concept of corrective justice while economic regulations are mainly prompted by distributive justice Applying this corrective distributive justice dichotomy to international contracts the author critically assesses major conflict of laws approaches such as proper law the Rome Convention and governmental interest analysis which could disregard either public interest or private rights The author taking these theories into account proposes an alternative two dimensional interest analysis approach He tests the viability of this approach with reference to arbitral awards and court decisions in various jurisdictions and concludes that it uniquely fits into the structure of international commercial arbitration In adopting this

approach arbitrators would take into account both corrective and distributive justice and to the extent that corrective justice prevails would be able to avert a total failure of the contract *Removing the Barriers to the Use of Alternative Methods of Dispute Resolution*, 1984 *Alternative Methods of Dispute Resolution* Frank E. A. Sander, 1990 *Alternative methods of dispute resolution in major disputes*, 1983 *Multi-Criteria Methods for Alternative Dispute Resolution* Stuart S.

Nagel, Miriam K. Mills, 1990-12-07 This work examines the topic of dispute resolution specifically the multi criteria approach that seeks to arrive at a conclusion that is mutually beneficial to both sides Through the use of decision aiding software the multi criteria approach can allow each side to give on various criteria that are not important to it but are important to the other side In this way a super optimum solution may even be met in which both sides receive something significantly better than they had expected Such a result is very difficult if not impossible to achieve Stuart Nagel points out in traditional single dimension dispute resolution Nagel and Mills describe the nature of multi criteria dispute resolution utilizing decision aiding software The first part of the book clarifies the general character of computer aided negotiation computer aided mediation and super optimizing dispute resolution Part two guides the reader through the use of Policy Goal Percentaging P G% decision aiding software centering on general decision making negotiation mediation and prediction of outcomes Multi criteria resolution in the context of rule making and legal policy disputes is the focus of part three where such matters as determining initial alternatives and criteria resolving deadlocks and arriving at super optimum solutions are discussed Part four emphasizes dispute resolution in the context of rule applying and litigation disputes as well as mediation at the international level and between lawyers and clients The final part deals with future applications such as computer aided mediation and group decision making with phone modems The book's combination of decision aiding software arbitration mediation and super optimum expansionist decision making brings a truly innovative approach to the topic of dispute resolution This volume should be a welcome addition to academic legal and public libraries and a valuable reference work for lawyers law students and legal professors and researchers *Alternative Dispute Resolution that Works* Ernest G. Tannis, 1989 Mostly concerned with ADR law in Canada but includes references to United States law *Alternative Dispute Resolution*, 2005 **Alternative Methods of Dispute Resolution in Major Disputes--the State of the Art** National Institutes, American Bar Association. Division of Professional Education, American Bar Association. Tort and Insurance Practice Section. Committee on Arbitration, 1983

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