

ADR Spectrum

Arbitration: private adjudication

Litigation: public adjudication

Master: quasi-judicial extension of the court

“Non-Binding” Arbitration: private determination of rights that is (arguably) advisory (no Award)

Med/Arb: hybrid process attempting to resolve dispute via facilitated communication (mediation) but if unsuccessful, becomes private adjudication (arbitration)

Summary Jury Trial: mock trial where the jury issues a verdict and the parties resume settlement efforts after hearing how the jury would decide

Mini-Trial: panel of “executives” (made up of one neutral and one representing each party) issue an opinion on facts and law based on highly summarized presentations of the case

Case Evaluation: neutral non-binding evaluation of merits and values of case

CONCILIATION: neutral facilitated negotiation guiding parties towards resolution (this is an important distinction)

Ombuds: neutral investigation of facts and mediation

Collaborative Law: attorney-assisted negotiations (4-way meetings)

Mediation: neutral facilitated negotiation

Facilitation: helping groups identify common objectives and achieve goals

Negotiation: “A process to get what you want.” “A means to an end.” (Fisher and Ury)