

The Use Of Alternative Dispute Resolution Techniques In United States Air Force Environmental Conflicts

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The Mini-Trial Steven A. Morgan 1997-12-01 In order to avoid unnecessary, time consuming, and costly litigation, the Department of Defense, and more specifically the United States Navy, has adopted the use of alternative dispute resolution (ADR) to resolve contract disputes. One of the less-used but highly successful ADR techniques is known as the Mini-Trial. The primary goals of this thesis are to provide contracting professionals and attorneys with a better understanding of the Mini-Trial, explore how the Navy might make better use of the technique, and outline the steps the Navy should take to further implement its use. The thesis provides information on the Mini-Trial's background, factors for use, advantages and disadvantages, format, and roles of participants. The researcher found that there are a number of issues surrounding the Mini-Trial including; problems with neutrals and principals, and the perception that the Navy was reluctant to use the technique. Principal findings from the research revealed that there are key measures of success for the Mini-Trial, that barriers exist to convince contractors to participate, that there are certain conditions for its use, and that the Navy will increase its use of the technique in the further. Principal recommendations are that the Navy should not second guess its principals, ensure settlement funds are paid promptly, establish an agency ombudsman to answer ADR questions, and conduct face-to-face discussions with contractors to convince them that the Mini-trial and ADR are in both parties' best interest.

Government Contracting Officers Should Make Greater Use of Alternative Dispute Resolution Techniques Richard J. Bednar 1990

Alternative Dispute Resolution (ADR) and Project Management Heather A. McAleer 2012 The purpose of this paper is to explore the merits of applying alternative dispute resolution (ADR) techniques to project management conflicts. Facilitation, negotiation, mediation, and a role of an ombudsman are explored, providing a context for when each technique is appropriate to use. These techniques are then applied to common conflicts seen in projects. Each conflict is explained within the project management context, as well as brief suggestions on how project managers could mitigate each situation. The result yields the ADR Project Management Model, a matrix depicting the relationship between the level of conflict, the type of conflict, and the suggested ADR technique to use to resolving the conflict. Case studies are then provided for each level of intensity to guide the readers on application of the model to different situations.

An Analysis of Alternative Dispute Resolution (ADR) As It Applies to Contract Dispute Settlement and Its Use by the Defense Industry Marc A. Begin 1999-06-01 The objective of this research is to assess the extent to which defense contractors employ the use of Alternative Dispute Resolution (ADR) in their contract dispute settlement processes. A questionnaire was utilized to gather information from thirty defense contractors. The thesis provides a legislative background for ADR, and briefly discusses various techniques of the ADR process. Additionally, data collected from industry are presented and discussed. The study identified mediation and negotiation as the technique favored by commercial companies. Furthermore, this study concludes that Government agencies do not reap the benefits of ADR to the extent that commercial companies do. The use of ADR has taken hold, and its use is likely to increase. However, barriers exist that serve to limit its use by Government agencies. These barriers include education about various ADR techniques and the perception by the defense industry that Government agencies are unwilling to enter into ADR.

Alternative Dispute Resolution that Works Ernest G. Tannis 1989 Mostly concerned with ADR law in Canada, but includes references to United States law.

An Examination of the Use of Alternative Dispute Resolution Techniques to Resolve Commercial Disputes Maxwell J. Fulton 1989

Alternative Dispute Resolution in Tanzania Mashamba, Clement J. 2014-09-01 Today, Alternative Dispute Resolution (ADR) has gained international recognition and is widely used to complement the conventional methods of resolving disputes through courts of law. ADR simply entails all modes of dispute settlement/resolution other than the traditional approaches of dispute settlement through courts of law. Mainly, these modes are: negotiation, mediation, [re]conciliation, and arbitration. The modern ADR movement began in the United States as a result of two main concerns for reforming the American justice system: the need for better-quality processes and outcomes in the judicial system; and the need for efficiency of justice. ADR was transplanted into the African legal systems in the 1980s and 1990s as a result of the liberalization of the African economies, which was accompanied by such conditionalities as reform of the justice and legal sectors, under the Structural Adjustment Programmes. However, most of the methods of ADR that are promoted for inclusion in African justice systems are similar to pre-colonial African dispute settlement mechanisms that encouraged restoration of harmony and social bonds in the justice system. In Tanzania ADR was introduced in 1994 through Government Notice No. 422, which amended the First Schedule to the Civil Procedure Code Act (1966), and it is now an inherent component of the country's legal system. In recognition of its importance in civil litigation in Tanzania, ADR has been made a compulsory subject in higher learning/training institutions for lawyers. This handbook provides theories, principles, examples of practice, and materials relating to ADR in Tanzania and is therefore an essential resource for practicing lawyers as well as law students with an interest in Tanzania. It also contains additional information on evolving standards in international commercial arbitration, which are very useful to legal practitioners and law students.

Alternative Dispute Resolution 2013-04-30 Seminar paper from the year 2011 in the subject Business economics - Law, grade: 1,0, Anglia Ruskin University, language: English, abstract: "The spiralling costs of contentious litigation, and the delays, uncertainties and lasting acrimony which such litigation occasions, have however over the past 20 years led to the increasing recognition by the judiciary, legal advisers and the disputants themselves that contentious litigation itself should be recognised as the option of last resort [...]" Sir Gavin Lightman, Royal Courts of Justice, Strand, London, October 2001 The above quote addresses the problem of the expensive and long lasting process of litigation in courts, which has not only been the case in England and Wales but also in Germany. In this paper different techniques for resolving disputes outside traditional court in both countries will be examined. As a solution for the named problem Alternative Dispute Resolution ("ADR") made its way into being an option for solving disputes. By definition "ADR is a form of facilitated settlement that is confidential and without prejudice. Consequently the contents of the process need not usually be disclosed to a court. Because it is a form of settlement process the client is not at risk of being bound to an unfavourable outcome by a third party's decision" (Caller, 2002, p. 1). It is then voluntary to enter into a binding agreement as long such is reached. If ADR fails, the case can still be carried to the court, normally without disclosing the reasons of failure. It should be stressed out that participants do not run the risk of losing control of the process, as it is without prejudice and non-binding – contrary to a judgment at trial (Caller, 2002, pp. 1-2). It is important to keep in mind that ADR is only an option for solving disputes since "everyone has the right to recognition everywhere as a person before the law" (Art. 6, UDHR). Moreover ADR primarily concentrates on resolving personal disputes between parties where their claims are not massive or even perhaps try to resolve other issues involving family relationships, child custody and issues concerning land ownership (Keenan & Riches, 2007). This paper concentrates on the use of ADR in business.

The Role of Alternative Dispute Resolution Methods in the Constructionindustry and the Application of These Methods in Hong Kong Kin-Ho Lewis Lau 2017-01-26 This dissertation, "The Role of Alternative Dispute Resolution Methods in the Constructionindustry and the Application of These Methods in Hong Kong" by Kin-ho, Lewis, Lau, ???, was obtained from The University of Hong Kong (Pokfulam, Hong Kong) and is being sold pursuant to Creative Commons: Attribution 3.0 Hong Kong License. The content of this dissertation has not been altered in any way. We have altered the formatting in order to facilitate the ease of printing and reading of the dissertation. All rights not granted by the above license are retained by the author. DOI: 10.5353/th_b3125146 Subjects: Construction contracts - China - Hong Kong Mediation - China - Hong Kong Arbitration and award - China - Hong Kong

Assessing consensus Writer Mott 2001

A Study of Barriers to the Use of Alternative Methods of Dispute Resolution 1984

Alternative Dispute Resolution in Medical Malpractice Disputes Petr Šustek 2018 Alternative dispute resolution (ADR) is a category comprising various techniques which enable the parties to resolve their conflicts out of the highly formalized judicial proceedings. In many legal systems, ADR is an increasingly popular set of legal instruments to resolve disputes because of its cost-effectiveness and time-effectiveness, flexibility, confidentiality and respect for unique aspects of a particular case. While it is traditionally associated primarily with commercial arbitration on one hand and consumer disputes on the other hand, ADR has been introduced also to the area of medical malpractice disputes. With the growing numbers of these disputes as well as rising amounts of compensation in many Western countries, the use of ADR in health care context is only logical and its further increase can be expected. Many studies show not only that ADR methods such as early apology, mediation or arbitration are very rational from an economic perspective for the health care providers, but also that these techniques improve the patients', or their relatives', satisfaction. However, very serious questions may arise about the suitability and even legality of the use of ADR in medical malpractice cases given mainly its possible interference with the human right to access to justice. The paper first introduces the ADR, its particular techniques and their use in medical malpractice disputes. Benefits and disadvantages of ADR in medical malpractice disputes are then analysed with a special emphasis on its possible conflict with the human, and constitutionally protected, right to access to justice. The paper eventually assesses the conditions of suitability of ADR in the specific context of medical malpractice disputes.

Dispute Resolution Methods:Comparative Law Yearbook of International Business Special Issue Dennis Campbell 1994-12-23 This volume examines the important area of dispute resolution. Its main focus is upon those methods of resolving disputes which provide alternatives to the existing judicial system. Under discussion are the most prominent of these methods -- arbitration, mediation and conciliation -- as well as others, such as mini-trials, valuations and dispute review boards. The authors are eminent legal practitioners and scholars from countries spanning the five continents. Consequently, the volume consists of accounts relating to the use of alternative dispute resolution methods in these countries. The pros and cons of each method are examined, together with the procedures involved, their applicability to certain types of cases and their future development. This work also includes a chapter devoted entirely to International Fast-Trac Commercial Arbitration, which describes how fast-track clauses may be utilized in international commercial contracts to ensure that disputes are resolved rapidly and efficiently. The future for such clauses in individual countries is discussed and a comparative analysis given. 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.

Mechanisms for Resolving Environmental Controversies Anthony James Foley 1998

Final Guidance on Use of Alternative Dispute Resolution Techniques in Enforcement Actions 1988

The Use of Alternative Dispute Resolution Techniques to Resolve Government Contract Disputes: A Case Study John N Kraus (Jr) 1991 The purpose of this study was to examine the decision-making processes involved in using Alternative Dispute Resolution (ADR) techniques in lieu of litigation to resolve government contract disputes. With the enactment of Public Law 101-552, The Administrative Dispute Resolution Act, federal agencies are encouraged to use mediation, arbitration, and other ADR techniques for the prompt and informal resolution of disputes. Although the use of ADR in the private sector is increasing dramatically, use within the government has been minimal, in part, because of a general lack of knowledge about ADR and its practical application. An initial step towards broadening the knowledge base is to document the decision-making processes in cases where ADR has been used. A descriptive case study method was used to evaluate six completed ADR cases and one as yet unresolved case. Each was examined to determine: why the parties used ADR instead of litigation; how the specific ADR techniques were chosen, and; how and on what basis the neutral advisor was chosen.

Based on the data generated from each case, patterns and trends across the cases were identified.

An introduction to the use of alternative dispute resolution to resolve insurance disputes Jay E. Grenig 2001

Children in Need of Protection Or Services Memo: Use of alternative dispute resolution techniques in cases involving children in need of protection or services

1994

Protestation Des Liguez Faicte en L'assemblée de Mildebourg [sic, i.e. Middelburg], Au Moys de Decembre Dernier Passé [16 Dec. 1584: by which the League of Protestant Powers Undertook to Hold the King of France to the Observance of the Edict of Pacification, And, in the Case of His Refusal, to Force Him by Arms.]. 1585

Corporate Counsel's Guide to Alternative Dispute Resolution Techniques 2009-12

The Law of Alternative Dispute Resolution Margaret C. Jasper 2000 The Legal Information Institute (LII) of the Law School at Cornell University presents information on alternative dispute resolution (ADR), which refers to any means of settling disputes outside of the courtroom, typically including arbitration, mediation, early neutral evaluation, and conciliation. LII includes federal and state statutes, federal and state judicial decisions, and other related Internet sites.

The Uses of Alternative Dispute Resolution to Resolve Genetic Disputes. Final Report 2003 The report sets out lessons learned while carrying out the study. It concludes that genetic disputes will increase in number and that ADR processes including mediation, arbitration, the use of independent experts and court-appointed masters can be helpful in resolving them. It suggests additional effort on bioremediation, and workplace disputes and training for ADR neutrals.

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.

Mediation and Other Alternative Dispute Resolution Methods Debra E. Zusman 1996 Internationally, the use of alternative dispute resolution (ADR) is becoming standard in disputes between nation-states, and more applications are continually being discovered. In the U.S.A., the use of ADR--particularly mediation--has also increased significantly in recent decades, and will continue to grow. An examination of the ADR methods available and the issues affecting their use is necessary to understand ADR's growth. This growth is measurable by examining increases in the number of ADR programs, funding levels and caseloads nationwide.

Experience to Date in the Use of Alternative Dispute Resolution Techniques in Antitrust Cases Association of the Bar of the City of New York. Committee on Antitrust and Trade Regulation 1985

Alternative Dispute Resolution Mark V.B. Partidge 2009-06-18 Alternative Dispute Resolution (ADR) has become a critical competency for intellectual property (IP) practice. Litigators and corporate counsel are compelled by the realities of federal court litigation to master the skills, strategies and tactics of ADR. The escalating cost of IP litigation leads clients to demand alternative solutions. Industry surveys disclose that the average cost to pursue an IP case through trial will exceed \$5,000,000 (five million). Despite that high cost, the likelihood that counsel has relevant trial experience has dramatically declined as less than 1.5% of civil actions are resolved by trial. Thus it is no surprise that corporate clients favor some form of ADR as an alternative to federal litigation. As a result, successful litigators must master ADR or be left behind as clients turn to attorneys with the experience and knowledge to use ADR to achieve the clients' goals. This book provides litigators, corporate counsel and in-house attorneys with the information and knowledge necessary to understand the options available for using ADR to resolve IP disputes, to create an effective strategy for using ADR, to achieve better results at a lower cost, and to control the ADR process as an effective advocate. The title serves as a handbook to explain the nature and use of ADR for IP disputes, including an assessment of the rising need for the use of ADR, the benefits available through the use of ADR, the tactics and tools available as an alternative to civil litigation, cases studies where ADR has been used to achieve improved results, and advice and tips for advocacy in ADR, with special emphasis on mediation skills. Relevant statutes and case law are included within a larger narrative built on stories and cases studies. Part One of the book deals with strategic considerations involved in ADR. It explores why ADR is important today for the resolution of IP disputes. It then covers the key benefits of ADR and dispels the typical reasons given to avoid the use of ADR. Part Two of the book covers the nuts and bolts of ADR. It describes the various types of ADR available to counsel for IP disputes. This section also explains the various providers of ADR services, the means to lead a problem into ADR (contractual provisions, court mandate, corporate and industry policy) and the legal basis for the use and enforcement of ADR results. Part Three shows the application of ADR methods to various disputes through the use of case studies. This section shows how ADR allows for creative solutions that cannot be obtained in the all or nothing environment of a court decision. Part Four closes the book with tips and advice on advocacy in ADR, especially mediation which involves a distinctive skill set that is often misunderstood and poorly utilized by litigators.

Dispute Resolution Stephen B. Goldberg 2003 This highly regarded casebook introduced generations of students to alternative dispute resolution as the field developed from an emerging to an established area of legal practice. Now, Dispute Resolution:: Negotitation, Mediation, and Other Processes, Fourth Edition, presents the latest developments in the three main processes for settling legal disputes without litigation. In addressing mediation, negotiation, arbitration, and important hybrid approaches, The casebook: takes a thorough, systematic approach, moving from overviews to critical analyses, then to application, evaluation, and practice draws on the combined strengths of a distinguished and experienced team of authors uses direct, accessible writing to help students grasp important concepts offers particularly strong coverage of mediation, a growing area of ADR study supplies an ADR Research Guide in an appendix Completely updated throughout, The Fourth Edition presents : important contributions from new co-author Sarah Rudolph Cole, who represents the perspective of a new generation of ADR academics an increased number and range of excerpted materials and readings new or expanded problems, questions, and simulations that give students experience in evaluating, preparing for, and practicing the various dispute resolution techniques expanded coverage of arbitration and dispute systems design

Alternative Dispute Resolution E. Wendy Trachte-Huber 1996

Multi-criteria Methods for Alternative Dispute Resolution, with Microcomputer Software Applications Stuart S. Nagel 1990 This book is designed to facilitate dispute resolutions that involve arriving at mutually beneficial solutions, possibly even super-optimum solutions that are better than the initial best expectation of all sides to the dispute. Nagel describes how decision-aiding software can facilitate multi-criteria dispute resolution, clarifying the general nature of computer-aided negotiation and mediation, and discussing the topic in the contexts of rule-making and legal policy, and rule-applying litigation. Future applications, such as computer-aided mediation and group decision-making with phone modems, are also addressed.

Opportunities and obstacles in alternative dispute resolution techniques Lizbeth Griffin Ellis 1996

Overview of Alternative Dispute Resolution (ADR) James L. Creighton 1996

Alternative Dispute Resolution Series: Case Study 7 1992 This case study is one in a series of case studies describing applications of Alternative Dispute Resolution (ADR). The case study is part of a Corps program to encourage its managers to develop and utilize new ways of resolving disputes. These case studies are a means of providing Corps managers with examples of how other managers have employed ADR techniques. The information in this case study is designed to stimulate innovation by Corps managers in the use of ADR techniques.

The Appropriate Use of Alternative Dispute Resolution Techniques to Resolve Contract Disputes Joseph M. McDade 1996

Effective Use of Mediation, Arbitration, and Alternative Dispute Resolution Techniques in Commercial & Construction Disputes Adrian L. Bastianelli (III.) 2009

Alternative Dispute Resolution Techniques 1984

Alternative Dispute Resolution Andrew J. Pirie 2000 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 processe.

Alternative Dispute Resolution Techniques Incorporating ADR in Your Law Practice 1987

A History of Alternative Dispute Resolution Jerome T. Barrett 2004-10-19 A History of Alternative Dispute Resolution offers a comprehensive review of the various types of peaceful practices for resolving conflicts. Written by Jerome Barrett—a longtime practitioner, innovator, and leading historian in the field of ADR—and his son Joseph Barrett, this volume traces the evolution of the ADR process and offers an overview of the precursors to ADR, including negotiation, arbitration, and mediation. The authors explore the colorful beginnings of ADR using illustrative examples from prehistoric Shaman through the European Law Merchant. In addition, the book offers the historical context for the use of ADR in the arenas of diplomacy and business.

The Use of Alternative Dispute Resolution Techniques in United States Air Force Environmental Conflicts Nanci R. Pigeon 2005