



Alternative Dispute Resolution

Themes:

- Preparing for ADR, negotiation, and mediation.
- Helping clients resolve their disputes quickly, economically and with the least amount of stress.

Conversation Starters:

- What is mediation? Why do people choose to mediate cases?
- What are the characteristics and benefits of both formal mediation (under court or legal auspices) and informal mediation (non-legal but trained mediators; religious; other forums outside the legal system, including ethnic communities' embrace of respected elders)?
- What is arbitration? Why do parties choose arbitration? How is arbitration different from mediation? How is arbitration different from civil litigation?

Activities:

- Think about a time when you tried to resolve a conflict you were having in your private life without relying on the court.
 - What steps did you take to prepare for the negotiation?
 - Did you create any ground rules for the negotiation? If so, what rules did you set?
 - What was your original request? Did you have an opportunity to explain, justify and support your original request? Did you use any documentation to help support your position? If so, how did you support it?
 - Did you make any concessions during the negotiation? If so, what concessions did you make and why did you make those concessions?
 - How did you formalize your agreement? Did both sides comply with the agreement?
 - Looking back, how do you feel about the agreement you reached? Why do you feel that way?

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IMPROVING THE LEGAL SYSTEM

Activities (continued):

- Negotiation, Mediation, Arbitration and other forms of ADR often provide clients with a more economical, less risky, and less stressful way to resolve their disputes. Think about one of the areas you practice as an attorney. How have you used ADR and ADR strategies to resolve cases in that specific practice area? What strategies and tools can you use to improve your client's bargaining position while working on cases in that practice area? What are some ways you are trying to improve your ADR strategy in that practice area?
- You can use ADR negotiation strategies in all areas of your practice. One challenge attorneys sometimes face is working with third parties while investigating their cases. How have you effectively used ADR negotiation skills with other parties besides opposing counsel?

Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [LegalMatch: Types of ADR](#)
- [Legal Encyclopedia: Arbitration Pros and Cons](#)
- [ABA, "ADR: A Litigator's Perspective"](#)
- Exposure to 'marketing' arms of ADR services (private ADR firms offer much in the way of training to lawyers and law firms. Although really marketing efforts, these presentations are a good general introductions to the ADR process, how it works, 'tips' on what works and what doesn't, etc.)