

ADR

What Is ADR and When Should You opt for it?

With Martin Blake being last year's winner for International Practice Lawyer of the Year in our Legal Awards, we decided to get in touch with him and his team at Juris Resolutions, who discuss all you need to know about ADR. What is the difference between mediation and voluntary arbitration and when is ADR the best option? Read on to find out.



Juris Resolutions

Juris Resolutions is the first all-Ireland commercial provider of Alternative Dispute Resolution ("ADR") services. Based in Belfast and Dublin, Juris offers clients access to a panel of distinguished former judges and practising lawyers who are specially trained and accredited ADR providers.

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What is ADR?

ADR allows parties involved in disputes to resolve them without resorting going to the courts. The service is private and efficient and saves parties from the expense, delay, inconvenience and distress of having their disputes heard in public.

There are different types of ADR. These include mediation, voluntary arbitration and early neutral evaluation.

Mediation

Mediation allows the parties, rather than the lawyers, to have a say in how their dispute is resolved. Unlike the courts where there are only winners and losers, mediation allows parties the opportunity to be creative and to find solutions to disputes which preserve relationships and allow each side to walk away feeling they have achieved something of value.

Voluntary Arbitration

Voluntary arbitration is a process in which the parties agree to have the person of their choice decide their dispute in accordance with an

agreed timetable of discovery and hearing. This process expedites the resolution of the dispute and ensures that the decision will be final and binding. The process avoids wasting time, gives the parties privacy and allows a decision to be made by someone in whom all parties have confidence.

Early Neutral Evaluation

Early neutral evaluation is a process in which parties that cannot agree on an important point or points, can hire a neutral expert to consider the issues and provide an informal but independent opinion of how it ought to be resolved. This evaluation can be given privately to individual parties, or jointly to all parties, and can help steer the dispute to a sensible resolution.

What types of disputes are suitable for ADR?

Almost all disputes are suitable for ADR, though some are particularly suited because of its benefits. Thus, in disputes where privacy is important or where continuing relationships need to be preserved – for

example, commercial disputes or family disputes – ADR is advantageous because it is entirely private and confidential.

Are different approaches needed for mediation as compared to litigation?

In litigation, there is a slow, contentious and expensive journey to trial. Parties often feel they have a back seat in a vehicle driven by lawyers that cannot be stopped until a judge renders a decision. In mediation, however, it is the parties, rather than the lawyers, who are encouraged and allowed to drive the settlement process because, by being empowered, they have greater ability to find common ground that is essential to every resolution. This process involves a willingness to listen to the other side and to compromise as appropriate.

What makes a suitable mediator or arbitrator?

Studies and surveys have consistently shown that the most important attribute for a mediator or arbitrator is that

they have the trust of each party. To acquire that trust, they must be independent and impartial.

In some instances, the parties may seek someone who has knowledge of the disputed area. Such knowledge can be beneficial as the neutral does not need to be extensively educated about those areas. In other instances, knowledge can predispose a neutral to see things in a particular way. It is therefore essential to carefully evaluate the qualifications and personality of the mediator or arbitrator before making a choice.

What is unique about Juris?

Juris is unique because it provides comprehensive, professional, administrative support for a panel of independent judges and lawyers. It offers, via its website, a fully transparent service that explains its fees, terms and procedures and its online booking and payment arrangements. It also provides an encrypted server to facilitate the delivery and display of documents. **LM**

**International Practice
Lawyer of the Year**
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About Martin Blake Director

Martin, who began his career as a barrister, is a California attorney, mediator and pro tem settlement judge in San Francisco who has been named in "Best Lawyers in America" every year since 2006.



About Kathy Sinclair Director

Kathy is a successful Northern Ireland solicitor of over 30 years' experience, an ACAS accredited mediator and one of the first in Ireland to write and deliver a university course in Alternative Dispute Resolution (ADR).