

Essay on the legal system and adr analysis

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**ASSIGN
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MEMORANDUM

When a company considers the options that are available in dealing with any business dispute, it will be more advantageous for the parties to resolve issues in the most effective manner possible. Several matters concerning the state-level disputes can be handled in the court system. Basing on the severity of the dispute, the case could go further as high as an appeal and reach the state's Supreme Court. A more realistic route to take would be to remain within the jurisdiction state court or adopt the Alternative Dispute Resolution, ADR.

The best idea is to review both the systems and then select the most desired system to resolve the matter. The legal system creates a necessary platform for the resolution of several disputes. In essence, some of the parties cannot agree through collaborative procedures. Some disputes need the coercive power of the state to put in force a resolution, irrespective of that resolution is achieved. Perhaps more significantly people prefer an advocate when faced by disputes. Legal system involves perceived legal rights, threat of legal action or legal wrongdoing against them, businesses or people wish for advice to be able to navigate the legalities of the matter.

It is important for a company to look into various legal dispute resolution options. Traditional legal dispute transpire in a rather straightforward manner. Two or more parties commence with a dispute where one of the parties wrongs the other. In this case, the harmed party either can claim about the harm or can decide not to take any action at all. Furthermore, the parties can settle the disputes using informal means or the affected party can file a suit. The good thing with the legal dispute resolving system is that

professionals are well trained in law matters and can analyze cases as per the legal ramification.

On the other way, Alternative Dispute Resolution provides a means for the disputing parties to resolve matters out court. ADR presents parties a means of settling disputes without going through all the stern and restrictive regulations of a genuine trial. ADR serves as a way for the courts to minimize the number of piled cases in the process of settling legal disputes.

Alternative Dispute Resolution has not displaced the traditional litigation, but ADR operates as a compliment to litigation. The advantage of opting for ADR system is that it is not costly, and it is time conscious.

There are a number of ADR methods used to resolve disputes, which include negotiation, mediation, arbitration, private judging, and cooperative problem solving among other approaches. A method that can be effective for the company is negotiation. Negotiation is a direct technique of resolving disputes; it involves the parties working out their own issues through clever negotiations. It brings together representatives of the conflicting parties to negotiate and come up with a neutral decision that resolves the matter and favors both the parties. Negotiation is an effective approach to dispute solving as the creative solutions are made, time saving and finally a durable and voluntary agreement is the outcome.

Thus, ADR offers a much-required choice to the adversarial system of the courts. Over time, it has been applied with considerable success and provides a platform for resolving disputes in time. The result is that disputes are resolved in a way that favors all the parties involved.

References

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