

Week 10 tw questions 13and14

Law



ALTERNATIVE DISPUTE RESOLUTION 13. Describe the various methods of court-related ADR. The various methods of ADR as presented by the Civil Justice Reforms of 1990 entail- neutral evaluation, mediation, non-binding arbitration, summary jury trials, and summary bench trials (Glannon, 2008). Neutral evaluation calls for the litigants to meet with any neutral third party. This party must be an expert in the matter of the case hence helps them arrive at a solution after careful consideration of the matter of the case. In mediation, an attorney selected by the court facilitates a process in the settlement of the dispute. Arbitration involves an arbitrator who makes hearing and makes a decision as an award. In summary jury trial, the parties present evidence to a six-bench jury who give their nonbinding decision from the presentations. Lastly, a summary bench trial is more or less like the prior but the case is tried before a judge instead of a jury. According to Glannon (2008), all the decisions from the court related ADR are nonbinding and any dissatisfied parties are free to proceed and file appeals to the courts.

14. Define the various methods of private or voluntary ADR.

These are ways of resolving disputes by avoiding the courts in totality hence decisions by these methods of resolution are binding and final to the parties. The methods include- negotiation, mediation, binding arbitration, ministerial and private judging with mediation and arbitration being the most popular according to research (Glannon, 2008). Negotiation entails the engagement of the parties in a discussion and finding a solution by themselves. Ministerial and private judging of cases calls for the involvement of independent ministers and judges respectively out of the courts in helping to resolve disputes between individuals after careful considerations. According to Glannon (2008), the main difference between courts related ADR and Private <https://assignbuster.com/week-10-tw-questions-1314/>

ADR is that Private ADRs are final and binding.

References

Glannon, J. W. (2008). Civil Procedure (6th ed.). New York, N. Y.: Aspen Publishers.