

Example of alternative dispute resolution essay

[Law](#), [Criminal Justice](#)



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Introduction

Every time disagreement arises, and there is a need to bring it to court, the initial process would involve trying to resolve the issue out of court (Evans, 2014). This process is called Alternative Dispute Resolution. This process of resolving issues is usually done without needing the help or the assistance of a third-party mediator. The purpose for resorting to a particular type of alternative dispute resolution is to avoid the physical, emotional and financial burden of going through the ordeal of litigation (Bryant and Lane, 2013). There are different kinds of ADR. Among those includes negotiation, arbitration, mediation and other less common and traditional forms as the use of a mini-trial and E-Court.

Types of Alternative Dispute Resolution

As mentioned earlier, among the famous forms of ADR are negotiation, arbitration and mediation. By virtues of simply reading, it may appear that all three share the same features and there is no difference among them. While all three are voluntary actions, each is distinctly different in most aspect.

Negotiation. This form of ADR does not use a third-party that would recommend or impose a resolution. It is something that both parties agreed on as in the case of husband and wives resolving on the issue of who gets to drive a car. There is no need to hire a lawyer for this issue. In fact, the couple could just sit down and arrive at a compromise.

Arbitration. Another form of an out-of-court settlement that involved

disagreeing parties to face an arbitrator and trust that after deliberation, the best decision will be made (Cheeseman, 2013). Thus, both parties should honor and respect the decision once it has been made. A good example of this would be when employees within the same department have a misunderstanding. They usually face the human resources director first before making any legal complaints. And usually, whatever is decided in the arbitration hearing is honored by everyone.

Mediation. Similar to arbitration, mediation uses a third-party to try and resolve the issue. However, in this case there is a certain structure and timetable that is followed. At the same time, the mediator does not impose a decision to both parties. An example of mediation is the current peace talk between the Philippine Government and leftist group the MILF, where Malaysia and other peace panels acts as mediators.

Less Common Types of ADR

- **Mini-Trial**

A mini-trial is one where the parties had to narrate how the problem occurred, and people are brought in to act as a witness.

- **Fact-Finding**

Fact-finding is when an investigation is pursued to determine who is telling the truth or whose case has more merit.

- **Judicial Referee**

A judicial referee is one where a legal adviser is asked to sit as a go-between while disagreeing parties confront each other.

Conclusion

After careful review of the different types of ADR, it is found that whatever form it is the objective is always to try and resolve the problem without the need to go into trial. This is done to save time, money, effort and relations because a legal process can be costly, agonizing, long and stressful.

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