

Alternative dispute resolution

Law



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Abstract

This article supports a theory that explains the Alternative Dispute Resolution.

Disputed are resolved outside the court with the help of this method. A large part of dispute resolution field is covered by Alternative Dispute Resolution processes. In first paragraph we will see the introduction of Alternative Dispute Resolution, in second paragraph we will discuss about the types of Alternative Dispute Resolution processes, we will discuss the advantages and disadvantages of Alternative Dispute Resolution in third and forth paragraph respectively.

Alternative dispute resolution is also known as ADR processes. ADR processes are the processes which are used to resolve the dispute informally. In this process the parties meet with a professional third party who assists them in resolving the dispute. It is a less formal and often more consensual way to resolve the dispute than is done in the courts. ADR is not come into the government judicial process. In some last years Alternative dispute resolution has obtained extensive popularity among both the general public and the legal profession. Now courts give suggestion to some parties to take their case in Alternative dispute resolution units. Popularity of ADR can be explained with the decreasing load on the courts.

Negotiation, mediation, collaborative law, and arbitration are the main types of ADR. In negotiation parties resolve the dispute themselves; there is no <https://assignbuster.com/alternative-dispute-resolution/>

third party to provide resolution process. Third party is present in mediation that provides the facility of the resolution process. Mediator word is used for this third party. A solution is suggested by this third party. This solution cannot be imposed on the parties. Collaborative law is also known as collaborative divorce. In this process each party contain an attorney. In arbitration process parties reach at an agreement. There is a third party, called private judge, impose resolution. Arbitration is generally used when there is a dispute on the agreement signed in collaborative law. Beyond these basic types of alternative dispute resolutions case evaluation, early neutral evaluation, family group conference, neutral fact-finding, and ombuds are other different form of ADR.

Mediation is used from hundreds of years. ADR has grown in United State in recent years. It has many advantages. ADR processes like mediation and arbitration decrease the pressure on the overburdened court system.

Alternative dispute resolution is cheaper. It imposes less cost than the court system to the parties. In this system parties can decide the individuals who will decide their dispute resolution. Nowadays ARD can be conducted online. Resolving dispute online is known as online dispute resolution. ADR is better than the lawsuits according to many advocates. ADR is comparatively faster than other system of dispute resolution. It is less expensive; hence it is very beneficial for poor people. Parties can directly participate in ADR processes. Parties reach at an agreement in ADR processes. In some cases the relationship between parties are improved by the ADR. It is a key advantage of the ADR processes. Commercial disputes, family Law disputes, neighbourhood disputes, discrimination complaints, health service complaints, work related complaints and many more disputes can be

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resolved by the ADR process. Confidentiality is the another advantage of ADR. The reason for a dispute and the basis upon which it is resolved are kept confidential in ADR. it is a great advantage of ADR system. For example in IT industry confidentiality is very essential for the disputes over intellectual property. Parties can choose a time according to their convenience in ADR processes. It is a very flexible and less formal process. Multi-party disputes can be resolved easily with the help of ADR. It provides the opportunity to all the parties to be heard on all relevant issues. There is no need for separate claims. Means it avoids the extra expense of separate claims.

Court has a long waiting list, but in ADR system there is no waiting list. A specialist can be used as a private judge to resolve the dispute. That judge would be able to give a reasonable solution which will be acceptable to the parties involved.

Everything has two aspects good and bad. ADR does not have only advantages. There are some disadvantages also. ADR processes cannot be used to resolve all the cases. Some cases and some complaints should go court or police. ODR is not satisfactory. Some critics say that ADR provides " second-class justice." According to them the people, who cannot afford to go to court, use ADR process to resolve their dispute. Because of the cooperative nature of ADR one party cannot win a case in fully manner. According to them ADR is just a settlement and agreement. ADR process encourages compromise. Compromise is not a bad idea to resolve a dispute, but it is not appropriate for others. Another disadvantage is that ADR resolve the dispute privately, not publicly. It has no government records. They are not exposed into public. It may become a reason of concern in future. In <https://assignbuster.com/alternative-dispute-resolution/>

courts cases are exposed in front of public and they have government records also. For example the case of the harmful products produced by a company can be resolved out side the court, without exposing it into the public. On the other hand it can be resolved officially and publicly in court. Court can remove all the products of that company from the market. It cannot be done by ADR. In some cases ADR processes waste the time and cost. For example when a dispute is not resolved by the ADR then parties have to go in court. One side can be able to dominate the other in some situations, for example in employment and divorce cases. Outcome of a dispute cannot be predicted easily through ADR. There is a need of enforcement in ADR processes.

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