

Alternative Dispute Resolution

The most common types of Alternative Dispute Resolution (ADR) are: -

1. Without prejudice meetings between parties;
2. Without prejudice correspondence;
3. Mediation – a without prejudice meeting between the parties with the assistance of a mediator who usually shuttles between the parties to help identify an agreeable settlement;
4. Conciliation – similar to mediation but the conciliator would also be involved in suggesting solutions;
5. Arbitration – the disputing parties agree to appoint a suitable third party to understand the issues from both parties and make a binding decision; and
6. Mutual evaluation – the use of a suitably qualified expert or similar as agreed between the parties to make an independent assessment of the merits. This ought then to be used by the parties to conclude their own agreement.

ADR has become increasingly important in the last twenty years as it can prove to be more time effective, more cost effective and less confrontational to enable the resolution of a dispute.