

## Example ADR Methodology Decisional Chart

Enhance Party Satisfaction <sup>1</sup>	Arbitration <sup>2</sup>	Case Evaluation	Mediation	Settlement Conference
Help settle all or part of the dispute	Less Likely <sup>3</sup>	Less Likely	Very Likely	Somewhat Likely
Permit creative/business-driven solutions	Less Likely	Less Likely	Very Likely	Less Likely
Preserve personal or business relationships	Less Likely	Less Likely	Very Likely	Less Likely
Improve satisfaction and lasting solutions	Less Likely	Less Likely	Very Likely	Less Likely

Flexibility, Control and Participation				
Control over outcome is not important; the parties need a legal decision	Very Likely	Less Likely	Less Likely	Less Likely
Broadens the interests of the parties that are taken into consideration	Less Likely	Less Likely	Very Likely	Somewhat Likely
Protects confidentiality	Somewhat Likely	Somewhat Likely	Very Likely	Very Likely
Maximize “due process” protections	Very Likely	Somewhat Likely	Somewhat Likely	Somewhat Likely

Improve Case Management				
Help parties agree on future conduct/ procedures during the life of the case	Less Likely	Less Likely	Very Likely	Less Likely
Streamline discovery and motions	Less Likely	Less Likely	Very Likely	Less Likely
Narrow issues and identify areas of agreement	Less Likely	Less Likely	Very Likely	Less Likely
Decrease costs	Less Likely	Less Likely	Very Likely	Less Likely

<sup>1</sup> Depending on the needs and interests of the client, other potential characteristics to evaluate the selection of an appropriate ADR technique might include:

- Improving and/or providing for an early understanding of the dispute
- Reducing hostility
- Desiring a highly evaluative process to educate the parties
- Educating the client on the risks of the litigation
- Developing a strategic ADR plan that may encompass multiple ADR events during the course of the case
- Evaluating the potential trial presentation of the opposing parties/experts
- Maximizing the potential of a positive continuing relationship (business or otherwise)
- Bringing finality to a narrow legal issue as early as possible and the right of appeal is not important
- Narrowing the issues in dispute

<sup>2</sup> The ADR methodologies being explored can be expanded or restricted depending upon the needs of the client and the particularities of the case. For example, Hot Tubbing, Special Master, Early Neutral Evaluation, Fast Track Jury Trial, etc. can be added to the chart and evaluated.

<sup>3</sup> The evaluation of “Less Likely,” “Somewhat Likely,” and “Very Likely” are somewhat subjective but the grid does provide for an analysis when prepared by the counselor in assisting the client to evaluate the various characteristics and potential benefits and limitations associated with each dispute resolution technique.