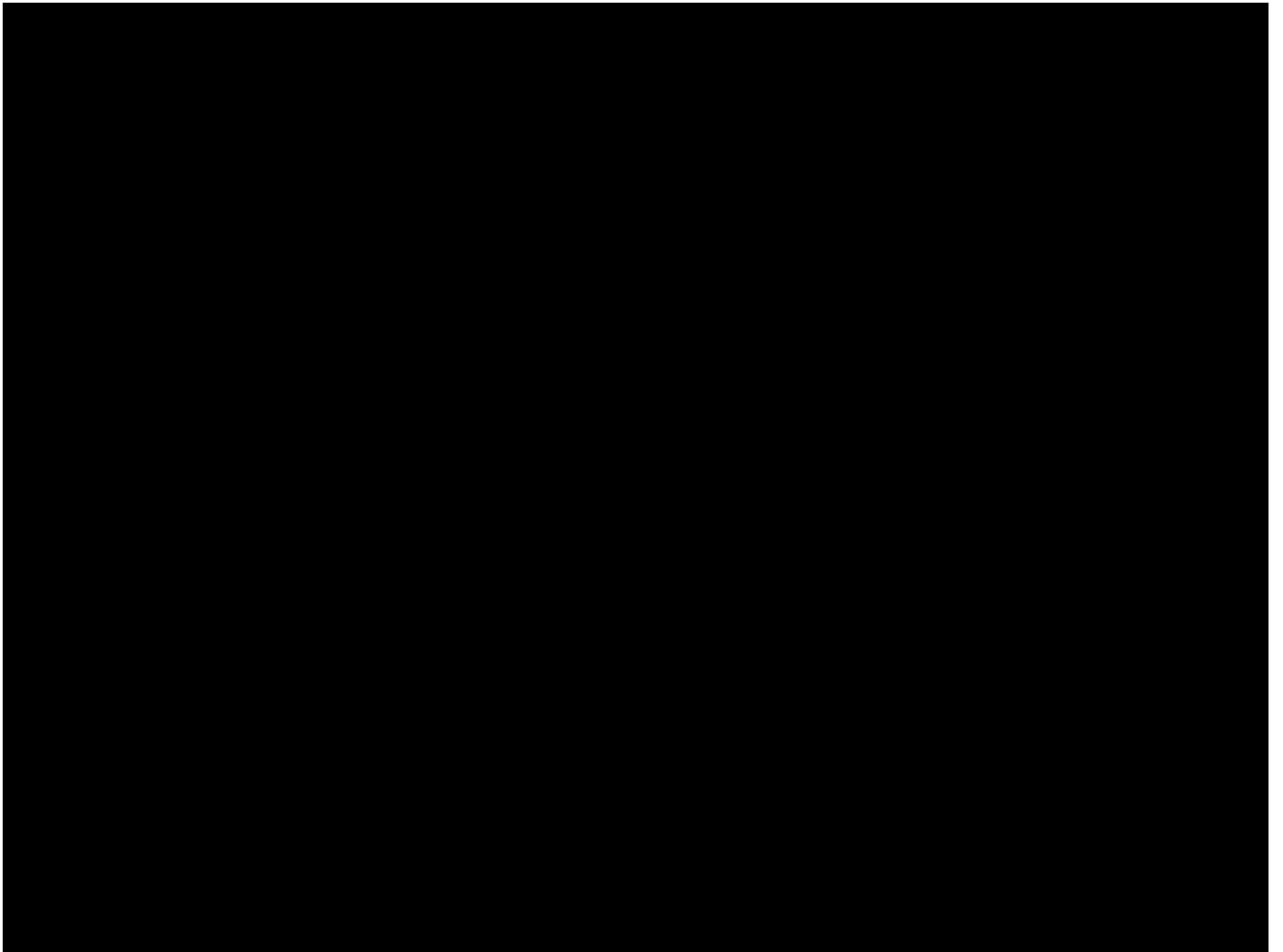
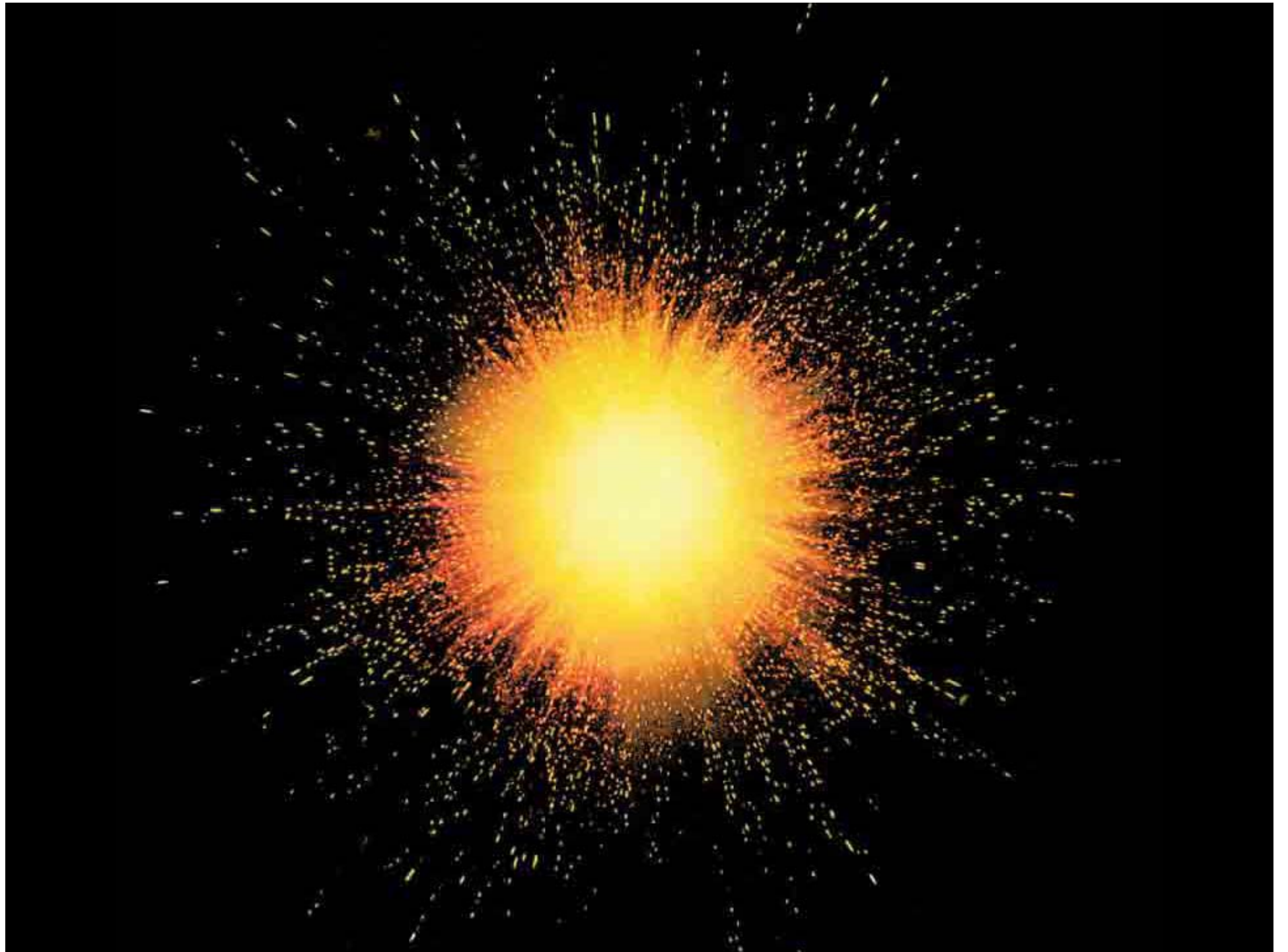


# **Evolution of ADR processes**

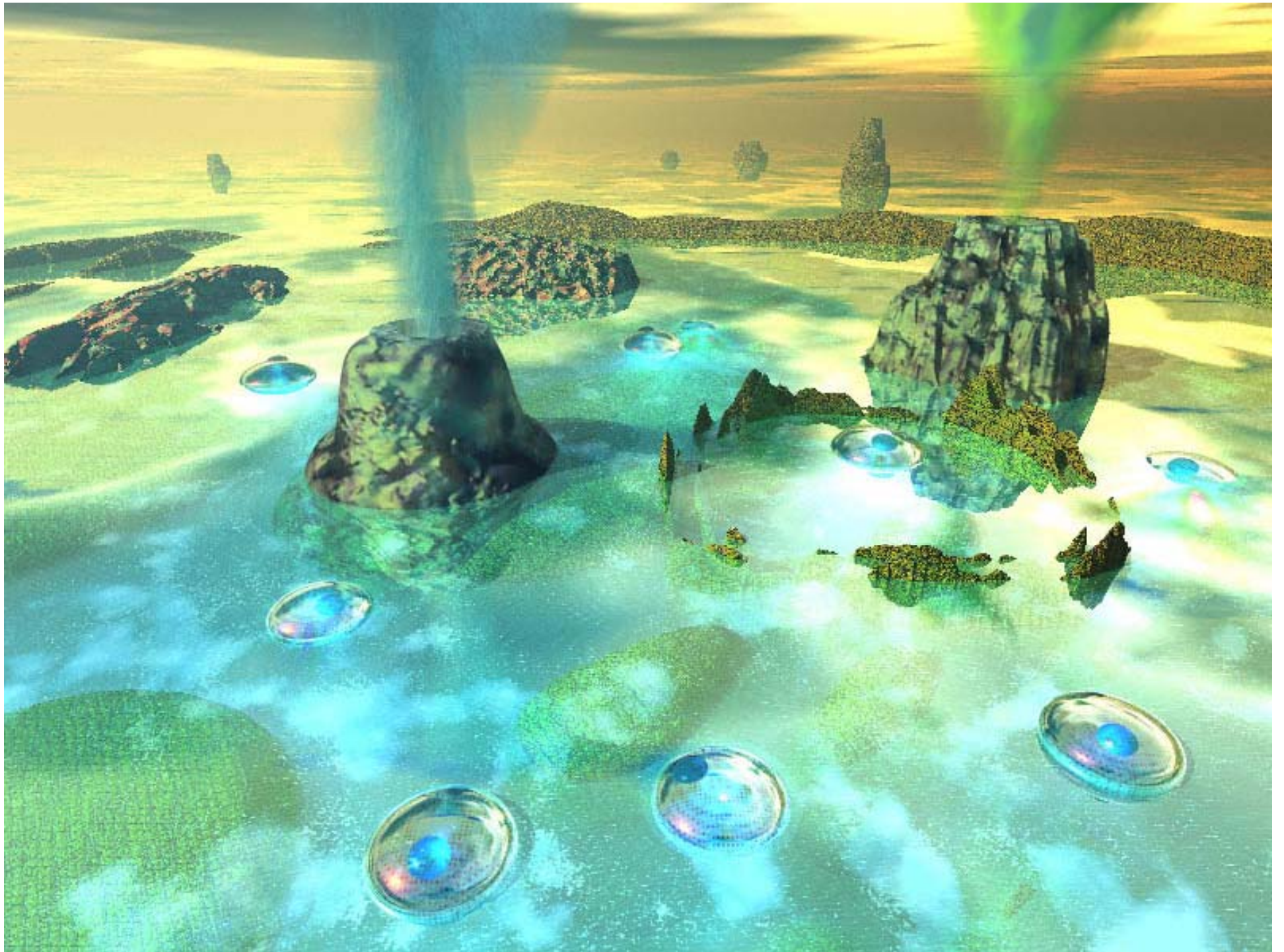
**Gary A. Weissman**

©Out-of-Court Settlements, 2006



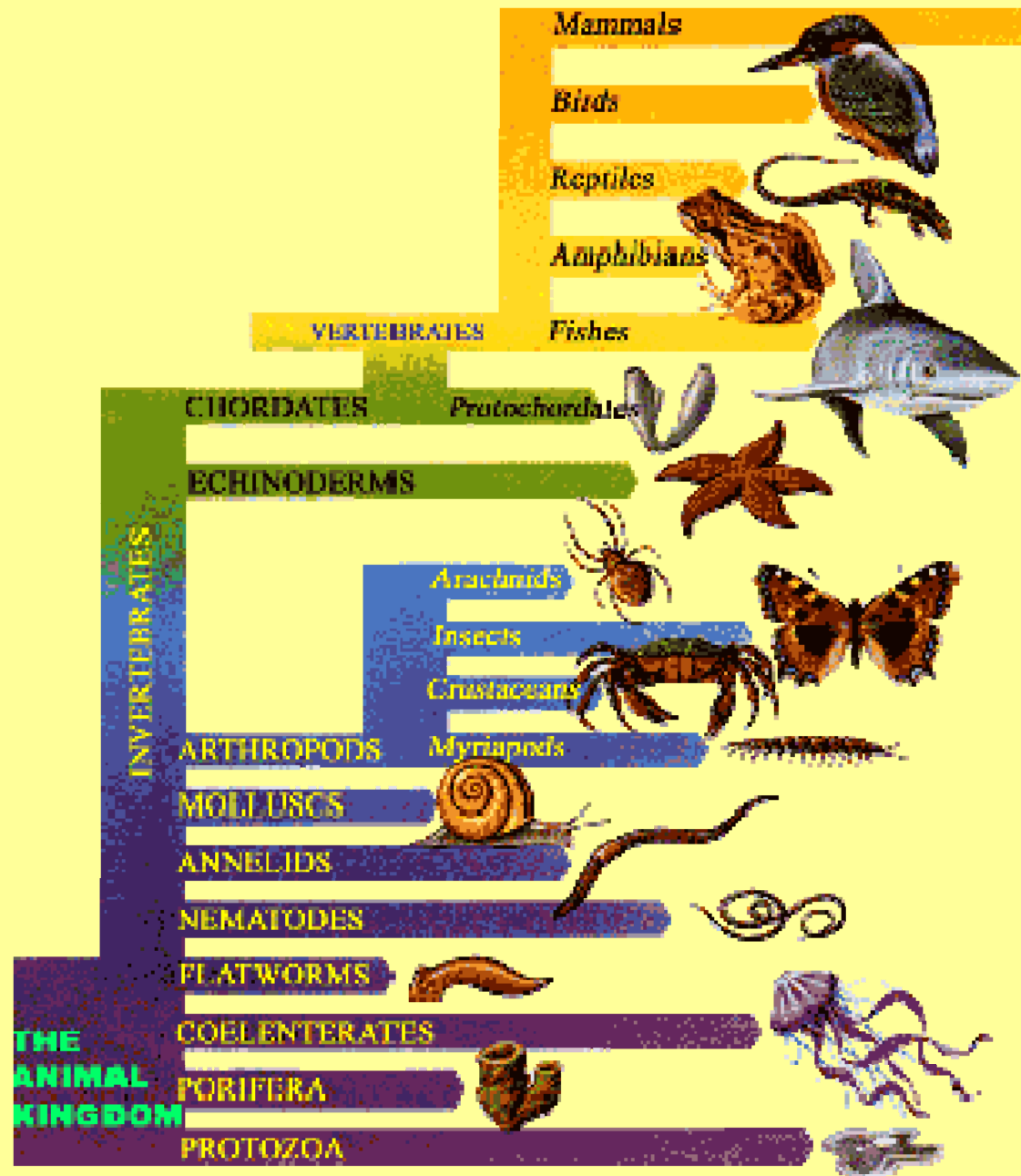






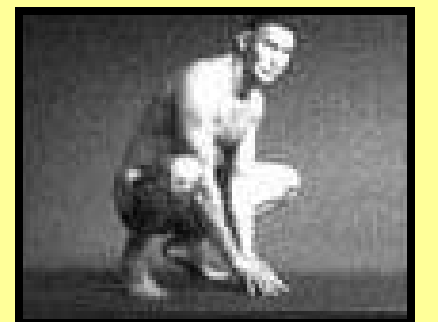
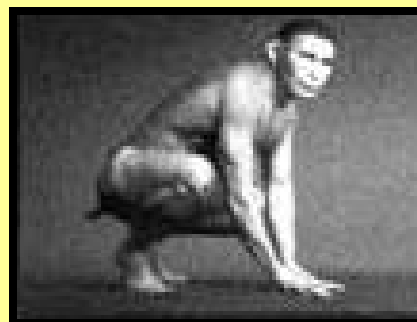
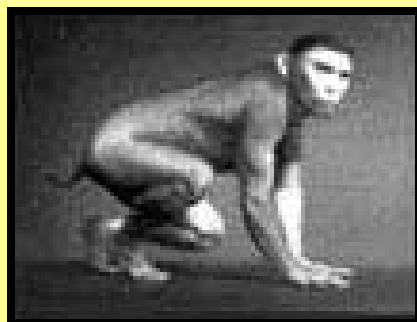
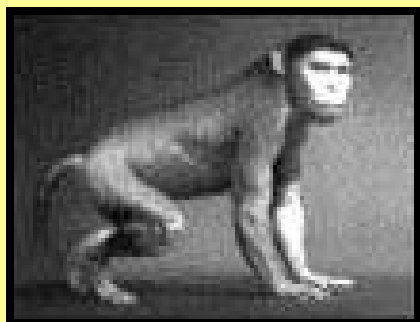
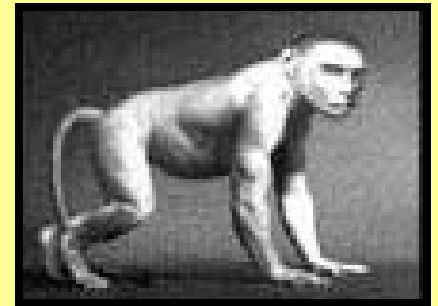
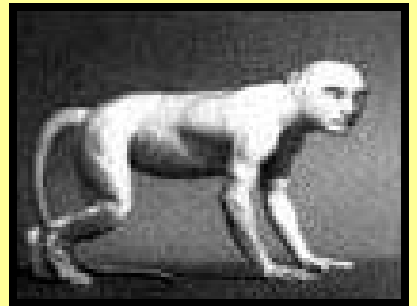
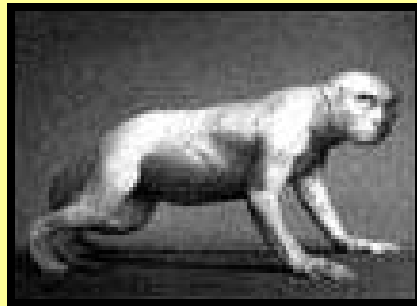
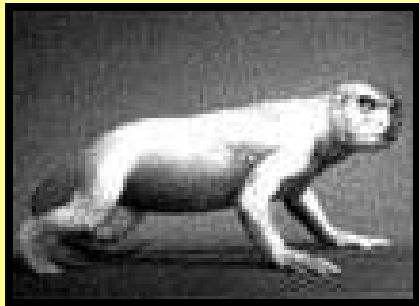
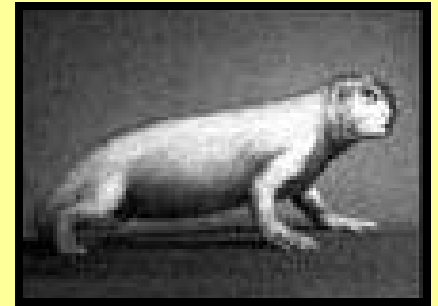
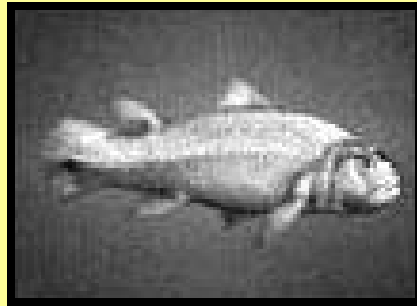
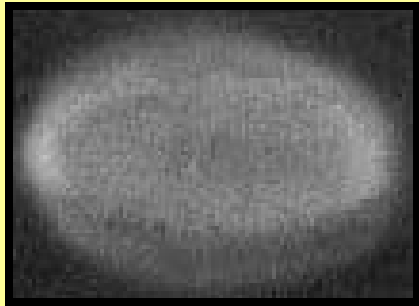






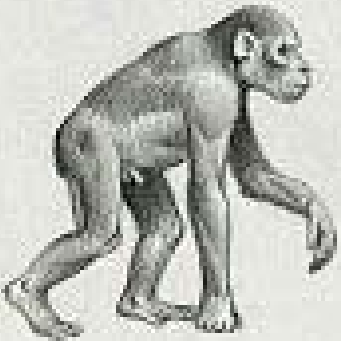


# Evolution of Dispute Resolution systems



# Early forms of dispute settlement:

**Violence & War**



# Early forms of dispute settlement:

**“An eye for an eye”**

**Violence & War**

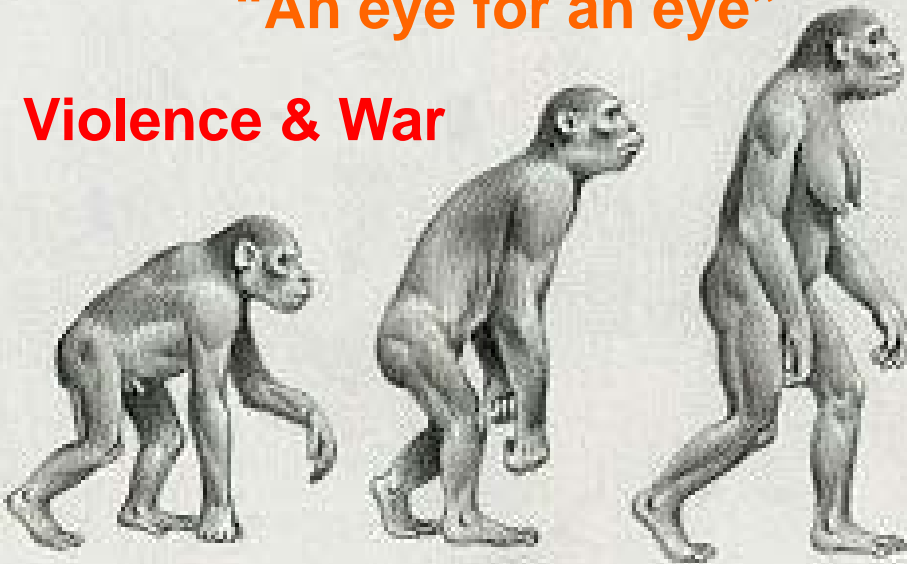


# Early forms of dispute settlement:

Early judicial system

“An eye for an eye”

Violence & War



# Early forms of dispute settlement:

Chancery courts

Early judicial system

“An eye for an eye”

Violence & War



# Early forms of dispute settlement:

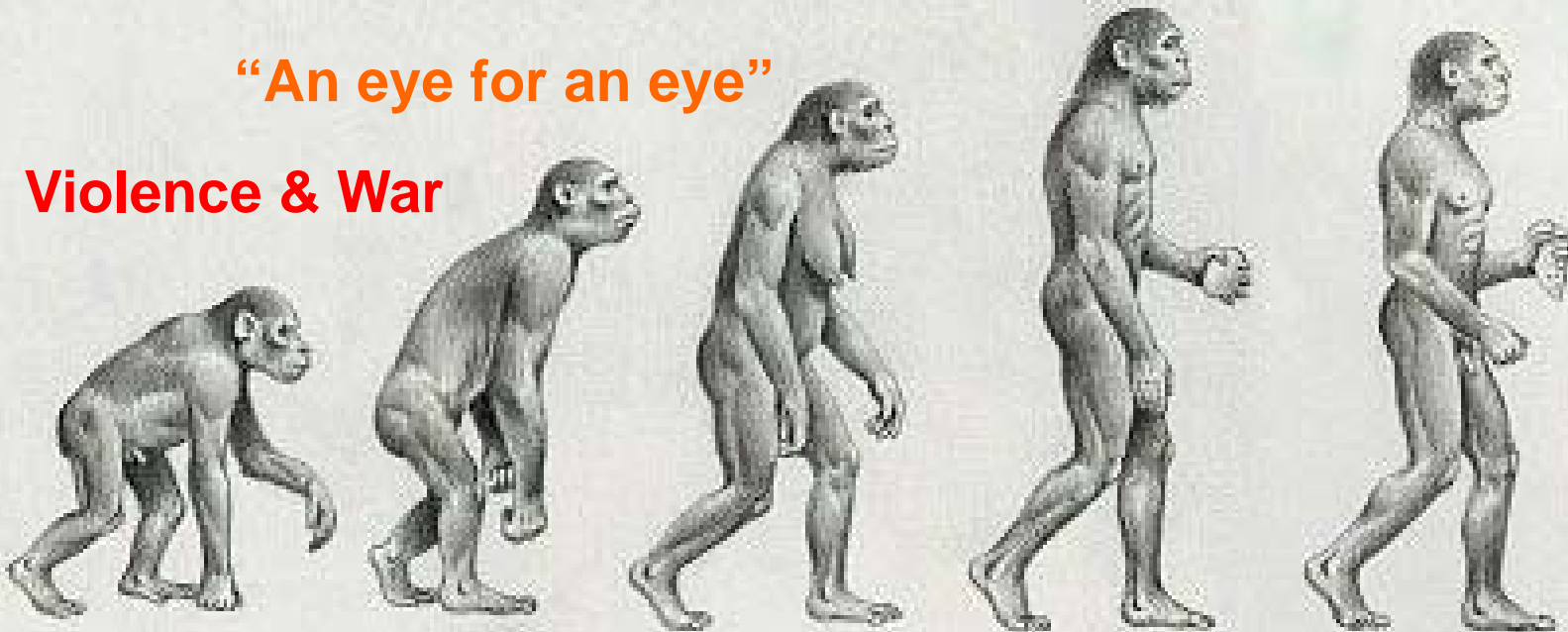
Article III courts

Chancery courts

Early judicial system

“An eye for an eye”

Violence & War



# Early forms of dispute settlement:

Mediation & Arbitration

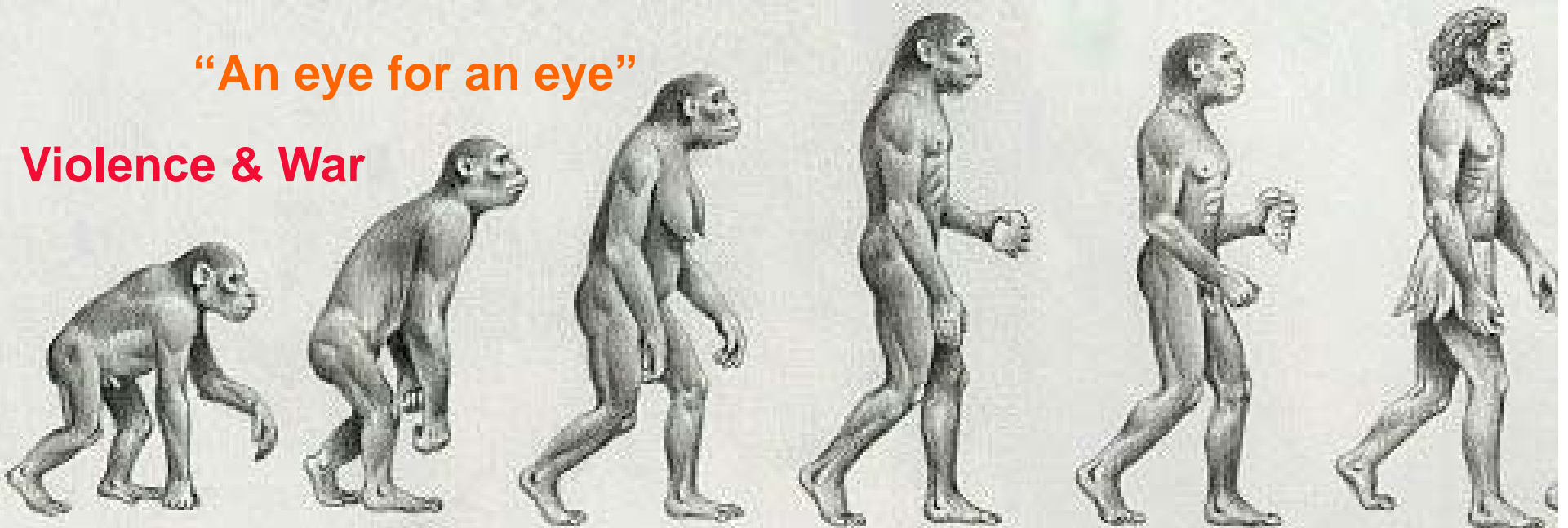
Article III courts

Chancery courts

Early judicial system

“An eye for an eye”

Violence & War





**Article III  
courts**

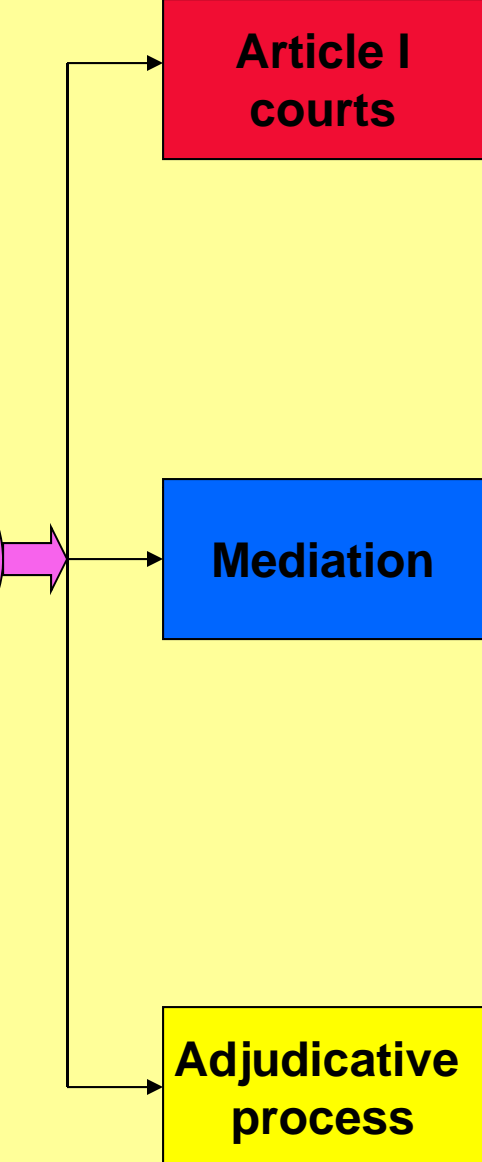


**Article III  
courts**

**Article I  
courts**

**Mediation**

**Adjudicative  
process**



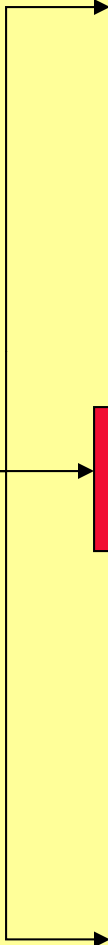


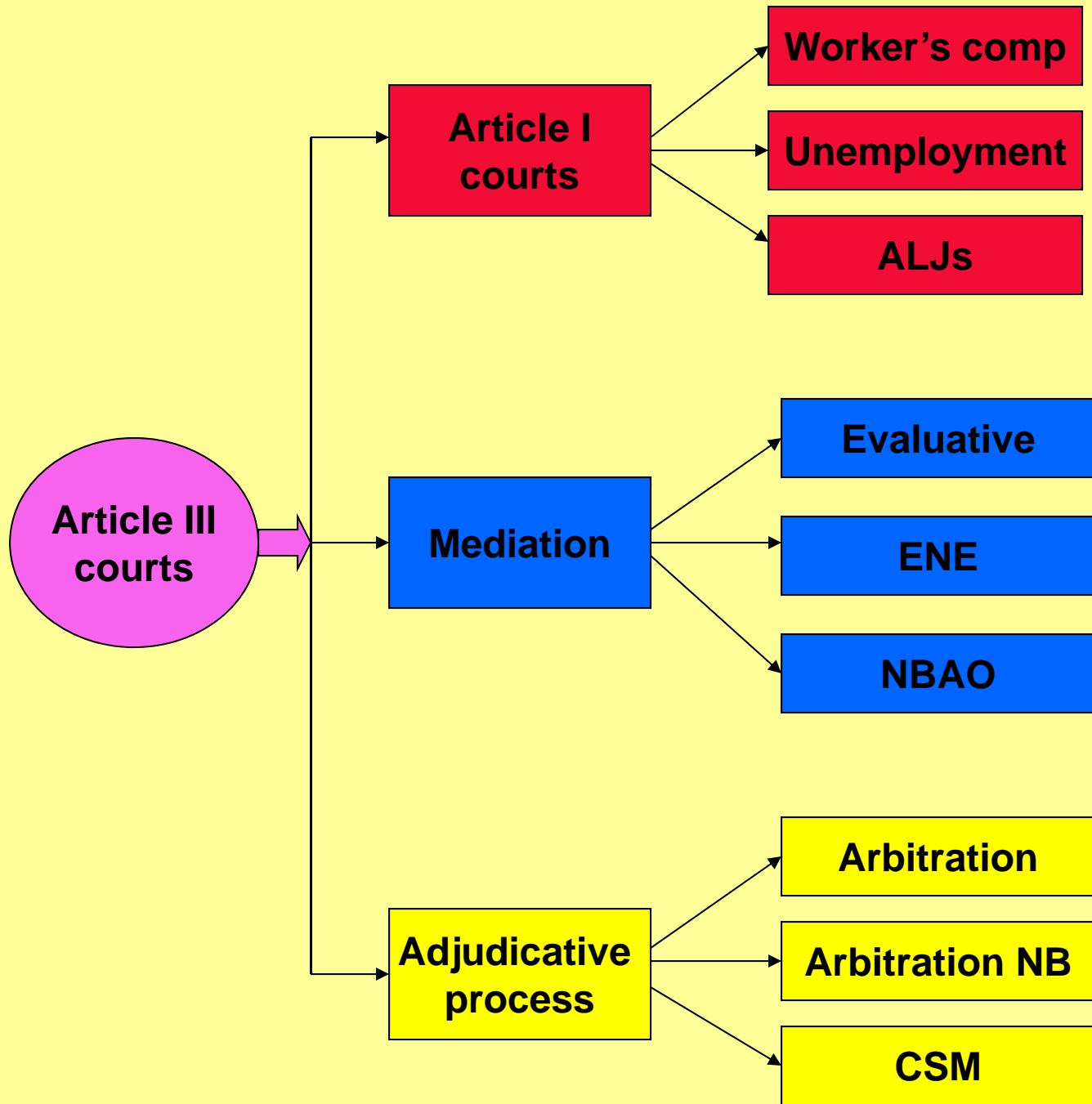
**Article I  
courts**

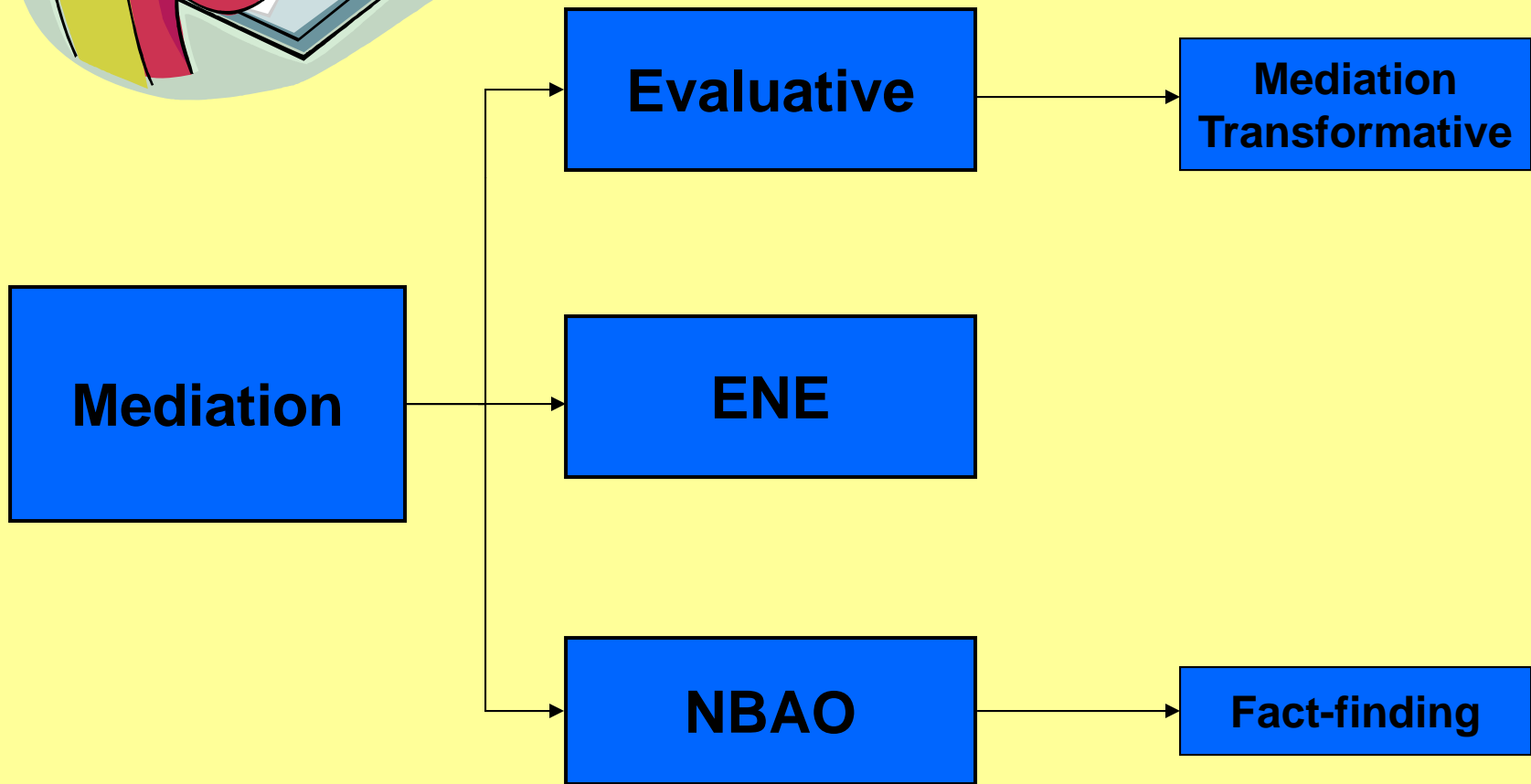
**Worker's comp**

**Unemployment**

**ALJs**









**Adjudicative  
process**

**Arbitration  
binding**

**Arbitration  
Non-binding**

**CSM**

**Conventional**

**Baseball**

**High-Low**



# Adjudicative continuum



**Non-binding Arbitration**

**CSM**

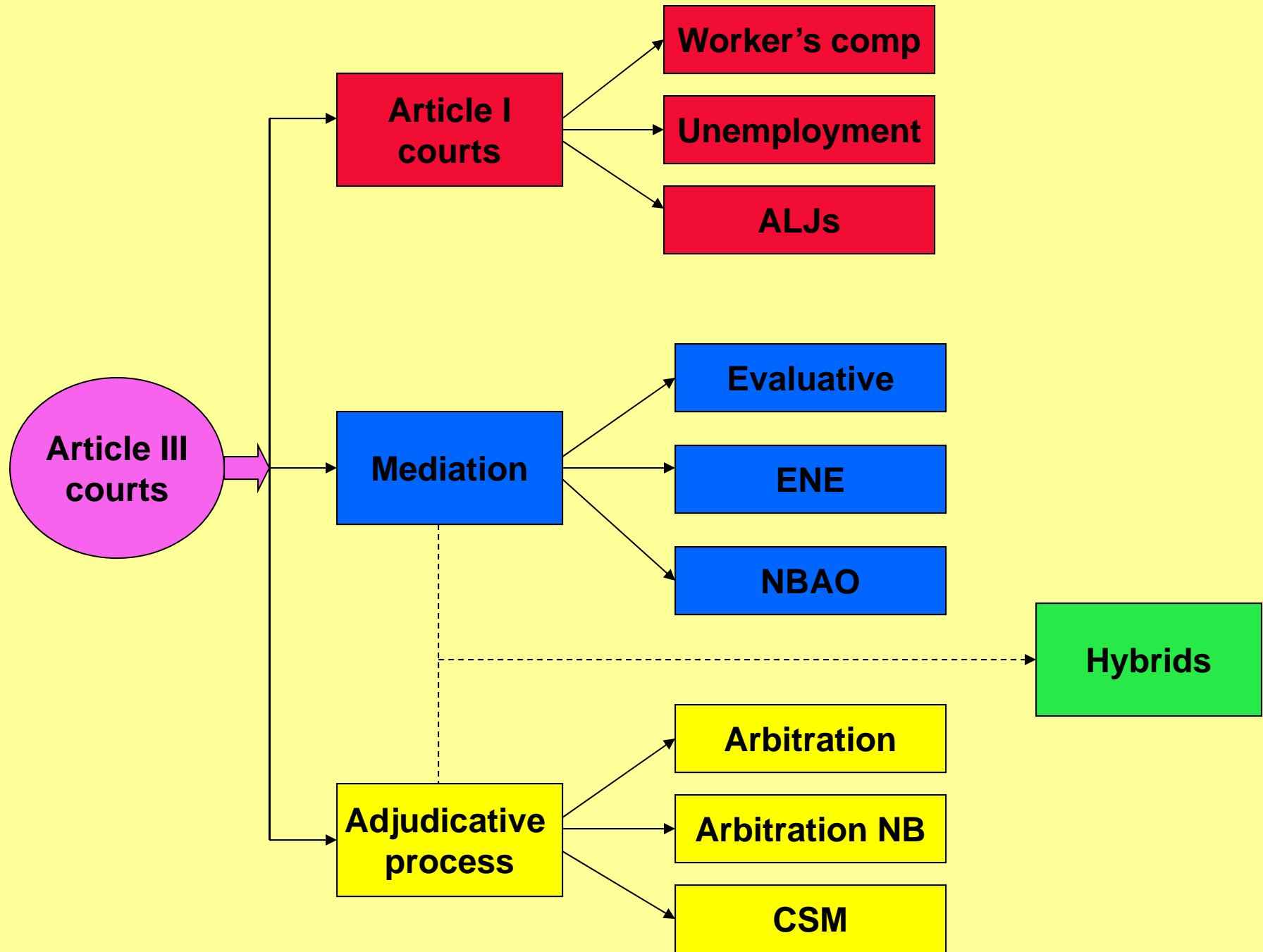
**Binding Arbitration**



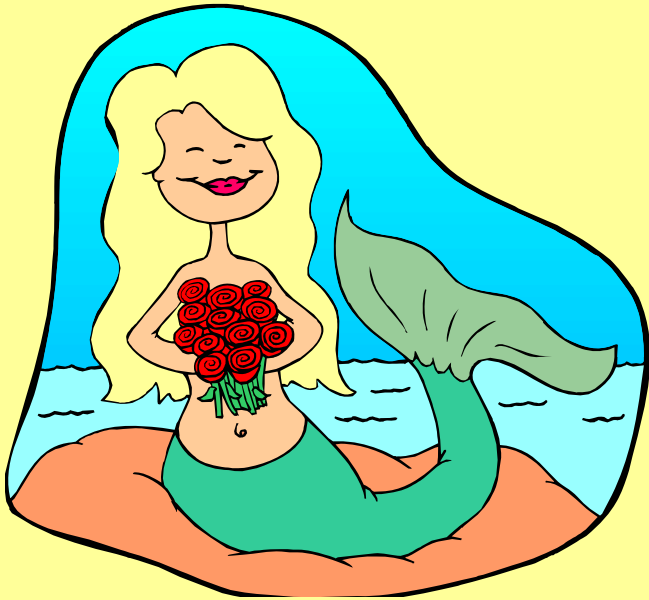
De Novo Trial

Appeal to the  
Court of Appeals

Vacate for  
Fraud

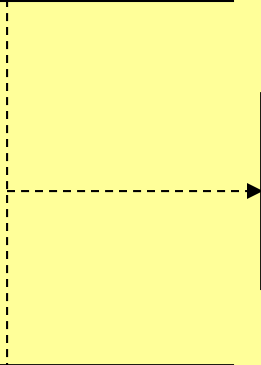


**Mediation**

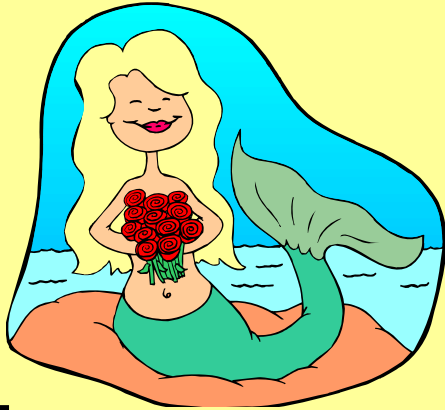


**Hybrids**

**Adjudicative  
process**







**Mediation**

**Adjudicative process**

**Hybrids**

**Med-Arb**

**MedaLoa**

**Mini-Trial**

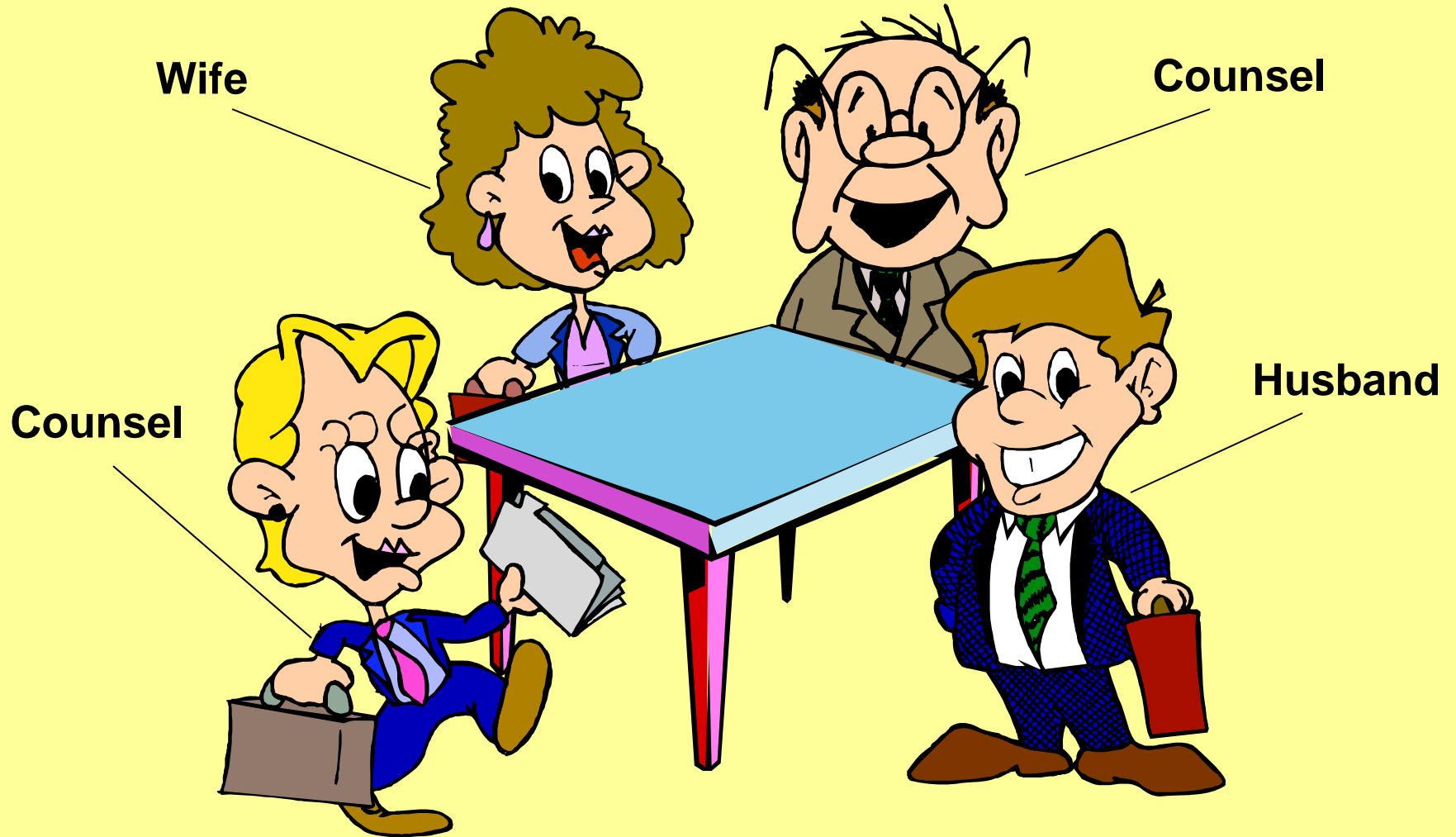
**Summary Jury Trial**

**Wild Card**

**Parenting Time Expeditors**

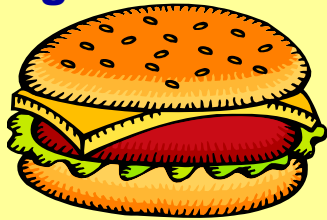
**Parenting Consultants**

# Collaborative Law



# A smorgasbord of ADR processes

Non-binding  
Advisory  
Opinion

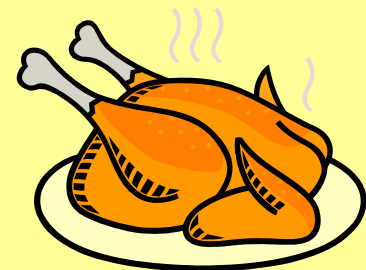


Arbitration



Collaborative  
Law

Mediation



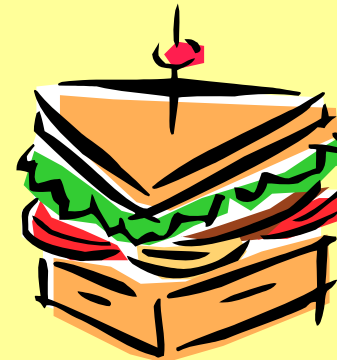
Designer  
ADR



Early Neutral  
Evaluation



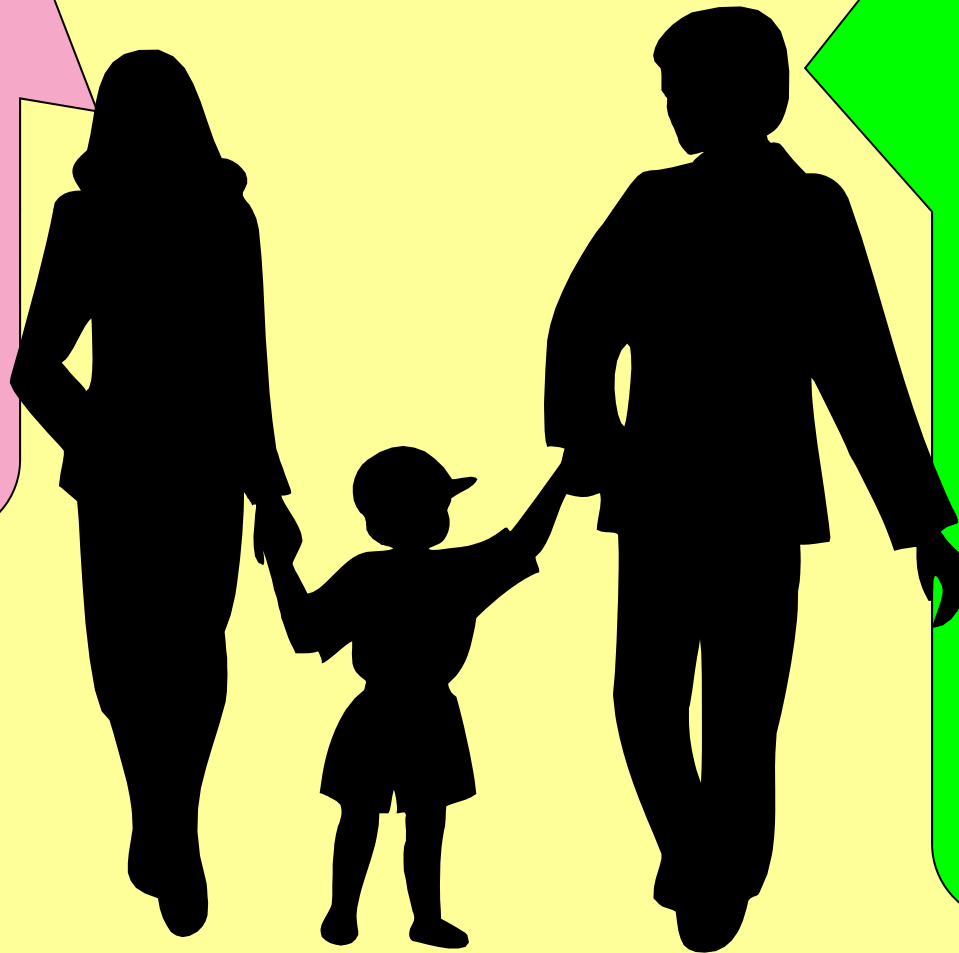
CSM



Med-Arb

# Visitation

He prefers to stay with his mother! That's where he needs to be at least 29 days out of every month!



No way! He should be with his father 4 weekends out of every month, plus 3 nights during the week, every holiday, and especially alternating Tuesday afternoons!

# Four-Party Conference

Um...  
Paragraph  
#28 needs  
to be  
reworded...



How does  
**RESPONDENT  
MAY HAVE  
VISITATION  
IN ODD-  
NUMBERED  
LEAP YEARS**  
grab you?