



## Effective Mediation & Arbitration Worldwide

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### ADR Spectrum: Mediation, Arbitration

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#### ADR Spectrum

- **Direct Negotiation**
- **Litigation**
- **Mediative Processes**
  - Facilitative Mediation
  - Evaluative Mediation
  - Neutral Evaluation
  - Mini-Trial
  - Non-Binding Arbitration
  - Neutral Expert Fact-Finding
  - Court Appointed Special Masters/Discovery Masters
- **Adjudicative Processes**
  - Arbitration
  - Bracketed Arbitration
  - Final Offer Arbitration
  - Private Judging
  - Med-Arb

#### Alternative Dispute Resolution (ADR)

At JAMS, clients are assisted by expert, professional neutrals (retired judges and attorneys) who help parties resolve disputes through a range of dispute resolution processes between direct negotiation and litigation to achieve a mutually agreeable outcome.

In **Direct Negotiation** the parties collectively retain complete formal and informal control over the process and its outcome including:

- the ground rules and the agenda
- the selection of the neutral
- the place and timing of the negotiation
- use of their own negotiation styles and strategies
- when and how they communicate, listen and convey reactions
- whether to obtain outside information, comment, or feedback and if so, whether to act on it
- the decision to end the process at any time
- the ability to discuss and agree upon issues and solutions that need not relate directly to the dispute
- the acceptance of an outcome unless mutually agreed upon

In **Litigation**, the parties have minimal control over process or outcome:

- the court retains ultimate authority, interpreting and applying the rules of civil litigation
- the court sets discovery deadlines, conference dates and trial dates
- the neutral decision-maker is determined by the court
- the rules of trial practice and evidence in the presentation of the case must be followed
- parties are bound to the facts found and decisions made by judge and jury, subject to appeal
- only narrow forms of remedies are available--an award of money damages or injunctive relief