

## Welcome

A variety of ADR procedures are recommended for use in resolving contract disputes.

This lesson explore seven of these procedures:

1. Conciliation
2. Facilitation
3. Mediation
4. Fact finding
5. Mini-trial
6. Settlement judges
7. Arbitration

Upon completion of this lesson, you should be able to:

- Define the ADR procedures most commonly used in the government, without reference.



## The Most Common ADR Procedures

These are the seven ADR procedures most commonly used by the government to resolve contract disputes. Although each of these procedures can be tailored for use in a variety of circumstances, each one is generally used in a specific type of situation.

| ADR Procedure                                   | Commonly Applied to...  |
|---|---|
| Conciliation                                    | Procedures in which positive relationships are developed between the parties              |
| Facilitation                                    | Procedures in which the flow of information is improved between the parties               |
| Mediation                                       | Procedures in which the procedures are examined and/or matters of substance are discussed |
| Fact Finding, Mini-trial, and Settlement Judges | Procedures in which matters of substance are discussed                                    |
| Arbitration                                     | Procedures in which decisions are made  |

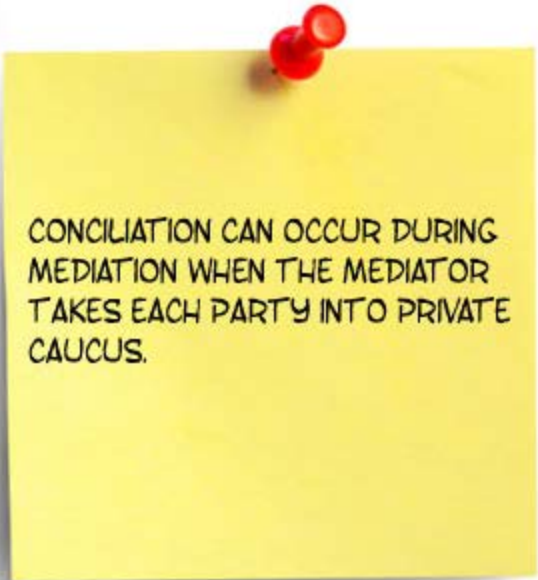
## Conciliation

One ADR procedure is Conciliation. Conciliation is used when the parties have personalized the issues to the point that they refuse (or are unable) to communicate with each, regardless of the criticality of the issue.

To move past the emotional barriers, a third party is brought in to assist the parties in restoring damaged relationships and restoring open communication.

The parties are given a chance to vent their anger and frustration. The conciliator then helps the parties to improve communication and rebuilding their relationship to the pre-dispute status.

Once emotions are diffused and communication is re-established, other ADR procedures may be used to further help to resolve the dispute itself.



CONCILIATION CAN OCCUR DURING  
MEDIATION WHEN THE MEDIATOR  
TAKES EACH PARTY INTO PRIVATE  
CAUCUS.

**Long Description**

Yellow sticky note that reads: Conciliation can occur during mediation when the mediator takes each party into private caucus.

## Conciliation Summary

The key characteristics of conciliation are shown in this table.

|                                  |  |
|----------------------------------|--|
| <b>Focus</b>                     | Building relationships; Diffusing emotions; Reducing tension; Improving communication                    |
| <b>Skills Needed</b>             | Negotiation; Persuasion; Knowledge of dynamics of conflict and human behavior; Some technical background |
| <b>Neutrality</b>                | Does not have to be neutral  |
| <b>Decision-Making Authority</b> | None   |

## Facilitation

Another ADR procedure is Facilitation. Facilitation is used to improve the flow of information within a group or among disputing parties.

All too frequently, parties in a dispute cannot communicate between themselves and need a neutral party to act as a conduit of communication.

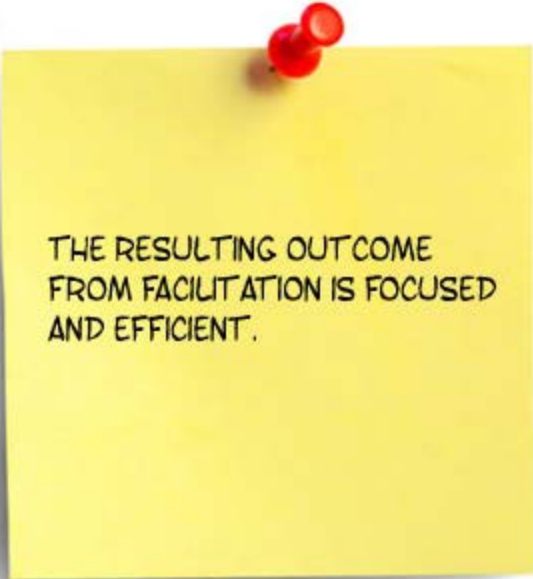
A facilitator assists the parties in using cooperative problem-solving, collaborative decision-making, and information exchange to improve the flow of information.



## Facilitation, Cont.

The presence of a facilitator in meetings between the parties can help in a variety of ways. The facilitator can help:

- Frame issues in a jointly acceptable manner so that the issues are solvable
- Build high-quality consensus decisions
- Prevent groups involved in problem solving-oriented meetings from rushing to solutions too quickly
- Prevent a win/lose atmosphere, which can damage relationships and increase friction, from developing
- Ensure that the entire group is working on the same problem, at the same time, using the same process



THE RESULTING OUTCOME  
FROM FACILITATION IS FOCUSED  
AND EFFICIENT.

**Long Description**

Yellow sticky note that reads: The resulting outcome from facilitation is focused and efficient.

### Facilitation Summary

The key characteristics of facilitation are shown in this table.

|                                  |   |
|----------------------------------|---|
| <b>Focus</b>                     | Improving information flow; Assisting with the process; Brainstorming solutions   |
| <b>Skills Needed</b>             | Negotiation; Communication; Cooperative problem-solving; Collaborative decision-making; Information exchange; Skill in running effective meetings |
| <b>Neutrality</b>                | Must be neutral   |
| <b>Decision-Making Authority</b> | None  |

## Knowledge Review

Parties involved in a contracting dispute are each deadlocked in their own position, with neither side willing to give any concessions toward resolution. The curt letters between the parties are piling up. They seem to be at an impasse, headed swiftly towards litigation.

Which ADR procedure might help them to begin to resolve their dispute?

Conciliation

Facilitation

Check Answer



**Conciliation** is the appropriate method when communication has broken down and the relationship between the parties needs to be restored so that a resolution to the dispute can be found.

## Mediation

Mediation is the most familiar and one of the most frequently used third-party assisted ADR procedures. In fact, contractors like to use mediation more than any other ADR procedure.

Mediation uses a third party who listens to the issues from both parties and works with them to obtain a negotiated settlement.

The procedure is informal, highly flexible, and highly dependent upon the skill of the third-party neutral.

[Click here to view a case in which mediation was successful.](#)



## **Popup Text**

**[Click here to view a case in which mediation was successful](#)**

### **Mediation Case**

The Air Force used mediation successfully to resolve a \$550,000 military family housing contract dispute. After the contractor had filed their claims (10 in total), and the Government had exercised its option for another year of performance, there was a marked deterioration in contractor performance. With the help of a mediator, the parties were able to resolve all 10 claims in two days.

The parties agreed to modify the contract with the results of the mediated settlement and agreed to resolve another claim that was not part of the 10 claims in dispute. The parties left the mediation with the appearance of having strong working relations and having saved months, if not years, of litigation time and costs.

## Mediation - When to Use It

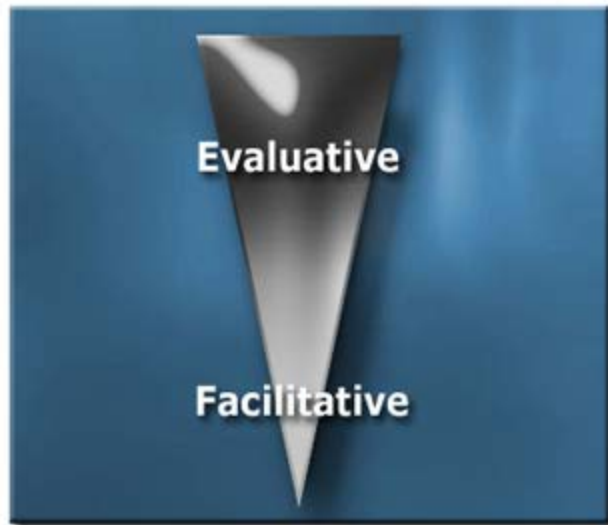
Mediation is best suited for disputes in which:

- The parties believe a negotiated settlement would be possible if the people could be separated from the problem
- Negotiations have reached an impasse, and the parties believe joint problem-solving can resolve the dispute
- The advice of a knowledgeable neutral will assist the parties in reaching a solution
- There is a continuing relationship between the parties
- Either side can benefit from hearing directly from the other without counsel
- The parties believe that each side has some merit

## Mediation - Approaches

In mediation, a mediator can take one of two approaches:

1. Evaluative
2. Facilitative



## Mediation - Evaluative Approach

An evaluative mediator assumes that the participants want and need some direction that will enable them to reach a negotiated settlement.

The evaluative mediator uses his or her skills to:

- **Urge/push** the parties to accept settlements
- **Develop and propose** settlements
- **Predict** court outcomes or the impact of not settling
- **Assess** the strengths and weaknesses of claims
- **Probe** the parties' interests

In addition, the evaluative mediator provides additional information to the process, including information concerning legal issues, industry practice or technology.



## Mediation - Facilitative Approach

A facilitative mediator assumes the parties are:

- Knowledgeable concerning the subject
- Able to work with each other
- Capable of understanding their situations better than either their lawyers or the mediator

Therefore, the parties may develop better solutions than the mediator.

For these reasons, the facilitative mediator assumes that his or her principle mission is to enhance and clarify communications between the parties to help them decide what to do.



### Mediation - Facilitative Approach, Cont.

A facilitative mediator uses his or her skills to:

- Help the parties evaluate proposals
- Help the parties develop proposals
- Ask the parties about consequences of not settling
- Help the parties develop options
- Ask about likely court outcomes
- Help the parties understand issues and interests
- Ask about strengths and weaknesses of claims
- Focus discussions on underlying interests



## Knowledge Review

Parties in a dispute are having significant trouble trying to figure out what to do to resolve the dispute. Both have suggested alternatives for resolving the dispute, but each party's proposal seems very skewed to its own best interests. The dispute has been going on for a long time. Neither party can seem to figure out what to do next to begin to resolve the dispute.

Which of the following mediation approaches do you think would work best for them?

Evaluative

Facilitative

Check Answer



The **Evaluative** approach is the best choice. The parties need to move toward finding a settlement, and they appear to need help assessing the strengths and weakness of the current proposals and most likely developing a settlement proposal that is in the best interest of both parties.

## Knowledgeable Mediator

Keep in mind that, in government contract disputes, it is usually important that the mediator is an authoritative figure who is fully knowledgeable about government contract issues and laws.

Mediation has shown to be especially effective when the dispute involves a clash of personalities.

In these types of situations, a neutral third party can keep the parties focused on the issues involved and move them toward crafting an acceptable agreement.

[Click here to view another case in which mediation was successful.](#)



## **Popup Text**

**[Click here to view another case in which mediation was successful.](#)**

### **Mediation Case**

While this example is not about a contracting dispute between a contractor and the Government, it shows the power of mediation - even when it appears that mediation is not taking place!

There once was a mediation between neighbors and storeowners in an old ethnic neighborhood in New York. The mediator, who was not from the same ethnic background, began by stating the ground rules for the mediation. The parties started the proceeding - in English - and at one point, began speaking in their native tongue. The mediator just sat there and smiled. The volume rose and rose. The parties pounded on the table. Then, after awhile, they calmed down. They then came to some sort of agreement, shook hands, and started smiling. As they were leaving, one of them turned to the mediator and thanked him for all his help.

What role did the mediator play? The mediator created a safe, neutral environment in which the parties could work out their differences and reach a resolution.

## Mediation - How It Works

A key advantage of mediation is its ex parte - when one side only - communicates with the neutral.

Look at the Mediation graphic to the right to see the steps of how mediation works.

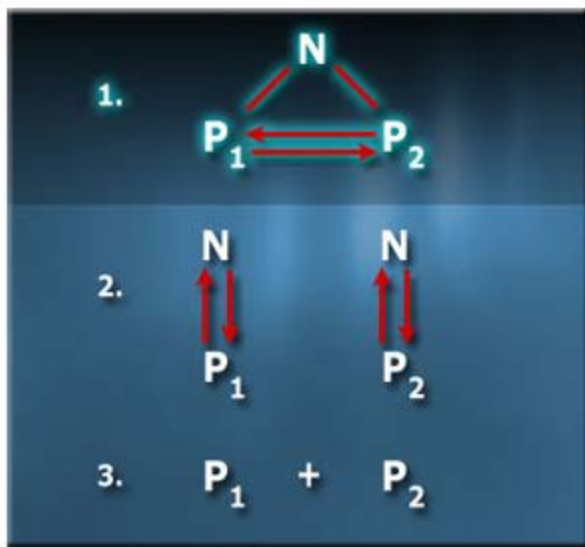
**Process Dynamics:** Third-party assisted negotiations

**Unique Feature:** Confidential caucuses

**Decision-makers:** The parties

**How It Works:**

**Step 1:** First, both parties (P1 and P2) meet jointly with the mediator (the Neutral), during which each party makes an opening statement.



### **Long Description**

A graphic with three images labeled, "One", "Two", and "Three".

Image number one is a triangle with "N" at the top with lines going down both sides to "P1" and "P2". There are arrows going from "P1" to "P2" and "P2" to "P1".

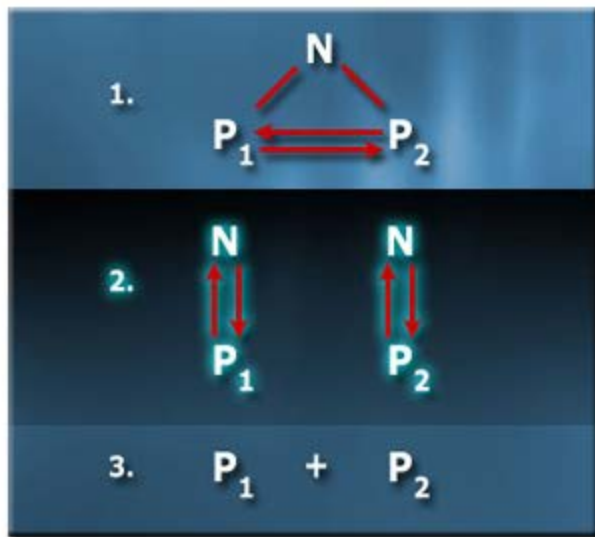
Image number two there are two images. An image of arrows going up and down from "N" to "P1" and "P1" to "N". The second image is of arrows going up and down from "N" to "P2" and "P2" to "N".

The third image contains "P1 plus P2".

### Mediation - How It Works, Cont.

**Step 2:** The mediator meets with each party, separately, in what is called a caucus session. (Because of the confidentiality of these caucuses, the parties generally share more information than was shared during the joint session.)

The mediator points out strengths and weaknesses in each party's position, and then assists in the crafting proposals to resolve the dispute.



## Long Description

A graphic with three images labeled, "One", "Two", and "Three".

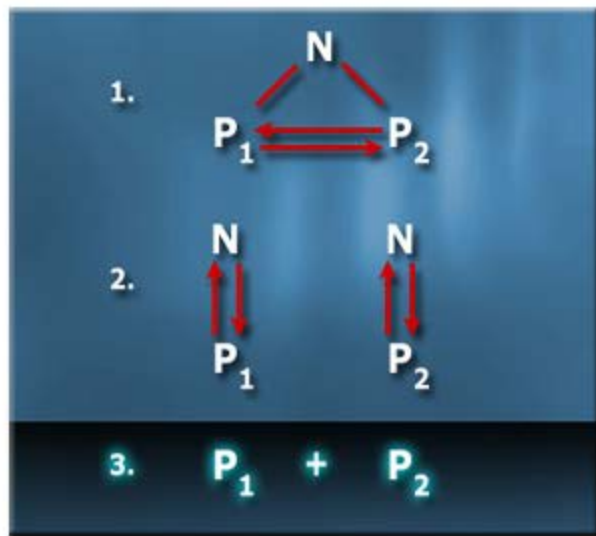
Image number one is a triangle with "N" at the top with lines going down both sides to "P1" and "P2". There are arrows going from "P1" to "P2" and "P2" to "P1".

Image number two there are two images. An image of arrows going up and down from "N" to "P1" and "P1" to "N". The second image is of arrows going up and down from "N" to "P2" and "P2" to "N".

The third image contains "P1 plus P2".

### Mediation - How It Works, Cont.

**Step 3:** The parties meet in a joint session and reach a decision. Notice that the mediator does not participate in the actual decision-making process.



### **Long Description**

A graphic with three images labeled, "One", "Two", and "Three".

Image number one is a triangle with "N" at the top with lines going down both sides to "P1" and "P2". There are arrows going from "P1" to "P2" and "P2" to "P1".

Image number two there are two images. An image of arrows going up and down from "N" to "P1" and "P1" to "N". The second image is of arrows going up and down from "N" to "P2" and "P2" to "N".

The third image contains "P1 plus P2".

## Mediation Summary

The key characteristics of mediation are shown in this table.

|                                  |  |
|----------------------------------|--|
| <b>Focus</b>                     | Creating a safe, neutral environment for the parties to work out their differences; assisting the parties to see the strengths and weaknesses of the proposed solutions; proposing or helping the parties to develop a proposed settlement |
| <b>Skills Needed</b>             | Negotiation; Communication; Cooperative problem-solving; Collaborative decision-making; Information exchange; Skill in running effective meetings  |
| <b>Neutrality</b>                | Must be neutral  |
| <b>Decision-Making Authority</b> | None   |

## Fact Finding

Another ADR procedure is fact finding. Fact finding is an investigative process in which a neutral who is a technical expert or subject matter expert independently researches and determines the facts associated with the dispute, and then renders an opinion in a briefing or report. It deals only with questions of fact, not interpretations of law.

Fact finding is best suited for:

- Complex disputes in which the parties desire, but cannot agree, on how to narrow the issues in controversy.
- Fact-intensive disputes that are likely to be resolved once the parties agree on the facts or the interpretation of the facts.

Fact finding is usually used after the parties reach an impasse.



### Fact Finding, Cont.

Fact finding succeeds when the opinion of the neutral is valued and carries sufficient weight to move the parties from the impasse.

The parties benefit by having the facts collected and organized to facilitate negotiations.

If negotiations fail, the fact finders' briefing or report may be admitted into evidence under traditional litigation, if the parties agree.



## Fact Finding - How It Works

With fact finding, the neutral works very independently from the parties involved in the dispute.

Look at the Fact Finding graphic to the right to see the steps of how fact finding works.

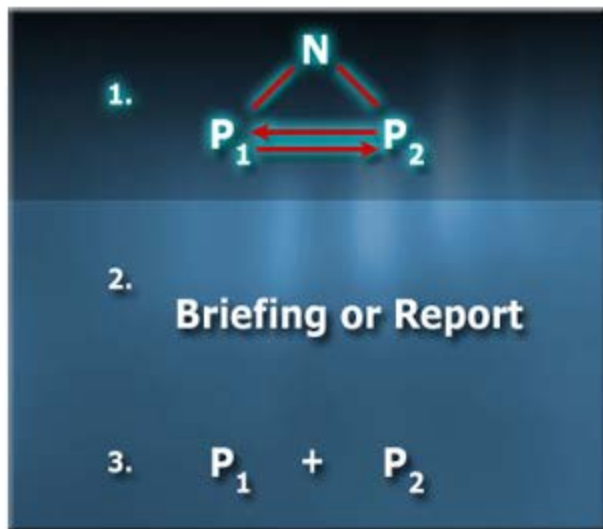
**Process Dynamics:** Third-party assistance with negotiations

**Unique Feature:** Evaluation of likely outcome; assessment of facts and/or methodology

**Decision-makers:** The parties

### How It Works:

**Step 1:** the Neutral meets with the parties (P1 and P2) and assists with the negotiations.



### **Long Description**

Three graphics labeled, "One", "Two" and "Three".

Number one is the letter "N" with an arrow going down on the right side to "P2" and an arrow going down on the left side to "P1". There are arrows going from "P1" to "P2" and "P2" to "P1".

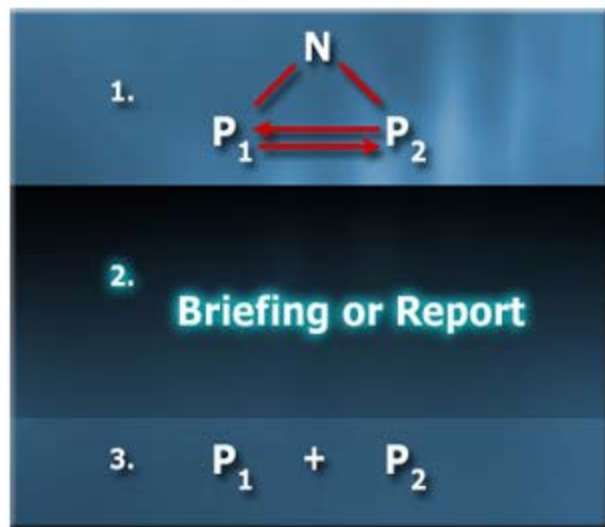
Number two is the text, "Briefing or Report."

Number three is "P1 plus P2."

### Fact Finding - How It Works, Cont.

**Step 2:** The neutral works independently to research the facts, evaluate likely outcomes, and assess the facts and/or methodology.

The results of the neutral's work is usually either a briefing or report.



### **Long Description**

Three graphics labeled, "One", "Two" and "Three".

Number one is the letter "N" with an arrow going down on the right side to "P2" and an arrow going down on the left side to "P1". There are arrows going from "P1" to "P2" and "P2" to "P1".

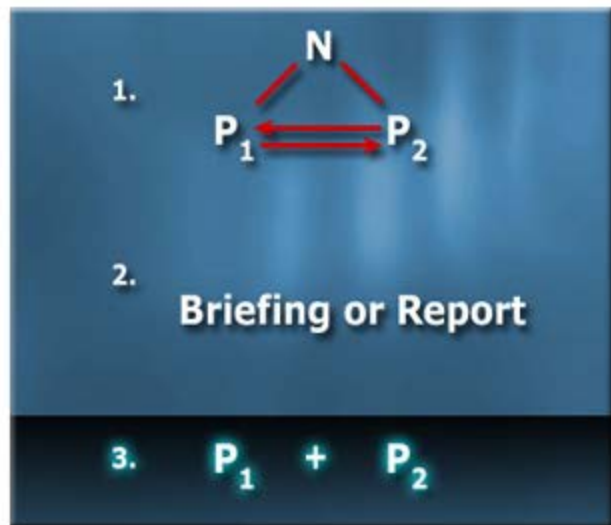
Number two is the text, "Briefing or Report."

Number three is "P1 plus P2."

### Fact Finding - How It Works, Cont.

**Step 3:** The parties meet in a joint session and reach a decision.

Notice that the mediator does not participate in the actual decision-making process.



### **Long Description**

Three graphics labeled, "One", "Two" and "Three".

Number one is the letter "N" with an arrow going down on the right side to "P2" and an arrow going down on the left side to "P1". There are arrows going from "P1" to "P2" and "P2" to "P1".

Number two is the text, "Briefing or Report."

Number three is "P1 plus P2."

### Fact Finding Summary

The key characteristics of fact finding are shown in this table.

|                                  |  |
|----------------------------------|--|
| <b>Focus</b>                     | Facts associated with complex issues   |
| <b>Skills Needed</b>             | Technical expertise; assessment; presentation skills (written and/or oral); subject matter expertise |
| <b>Neutrality</b>                | Must be neutral  |
| <b>Decision-Making Authority</b> | None   |

## Mini-Trial

Another ADR procedure is the mini-trial. A mini-trial, in truth, is not "mini" and it is not a "trial." It is a voluntary, expedited, non-judicial procedure in which the top management officials in each party meet to resolve the dispute.

In fact, a mini-trial is really a structured negotiation with mediation.

The senior principals from each party - who, should not have been involved in the original dispute - listen to each party's case, presented most often by counsel for the parties, and then negotiate a settlement.

In a mini-trial, the neutral assists in clarifying and identifying issues, and may recommend a specific decision, based on the merits of the dispute.

However, the senior principals are the decision-makers, not the neutral.



### Mini-Trial, Cont.

A mini-trial is best suited for disputes in which:

- The issues are technically or factually complex.
- The amount of controversy is quite large on a high visibility or high value contract.
- The issues of controversy might significantly affect corporate policy.
- There is a need for expert witnesses.
- An attorney would best be able to present each party's case.

[Click here to learn about a dispute in which a mini-trial was used to resolve the dispute.](#)



## **Popup Text**

**Click here to learn about a dispute in which a mini-trial was used to resolve the dispute.**

### **A Case for a Mini-Trial**

Example: The Navy had a case where the contractor had been awarded a firm-fixed-price contract for the delivery of supplies. Before the deliveries were complete, the contractor filed a claim for approximately \$6.7 million with the CO, alleging the Navy had made changes to the contract, caused contractor delays, and provided defective specifications.

The CO denied the claim and the contractor appealed to the ASBCA. The Navy offered and the contractor accepted ADR to resolve the matter. Following six weeks of review and discussion, the parties agreed on a mini-trial approach using an ASBCA judge. The mini-trial took place 45 days later and all issues were resolved within five days.

In all, the parties were able to resolve the case in just over three months. Normally a case like this would have taken two years to get to trial and then possibly another two years to wait for a decision. The Navy attorney estimated the Government saved \$1.5 million, plus 18 months of attorney trial preparation time.

## Mini-Trial - How It Works

Look at the Mini-Trial graphic to the right to see the steps of how a mini-trial panel works.

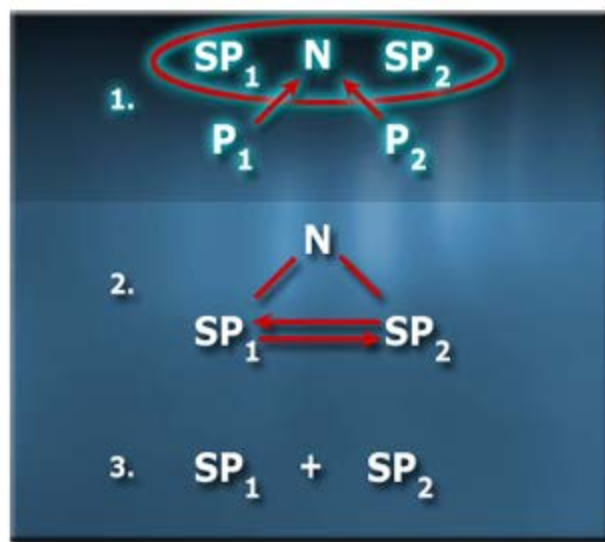
**Process Dynamics:** Hybrid settlement negotiation process combining senior decision-makers with mediation

**Unique Feature:** Involvement of senior decision-makers

**Decision-makers:** The parties

### How It Works:

**Step 1:** A senior decision-making panel is convened with senior principals from each party (SP1 and SP2) and the Neutral. Counsels for the parties present their "best" cases. A question and answer format may be used. There can be limited cross-examination if the parties agree.



## Long Description

The Mini-Trial Panel - Contains three images.

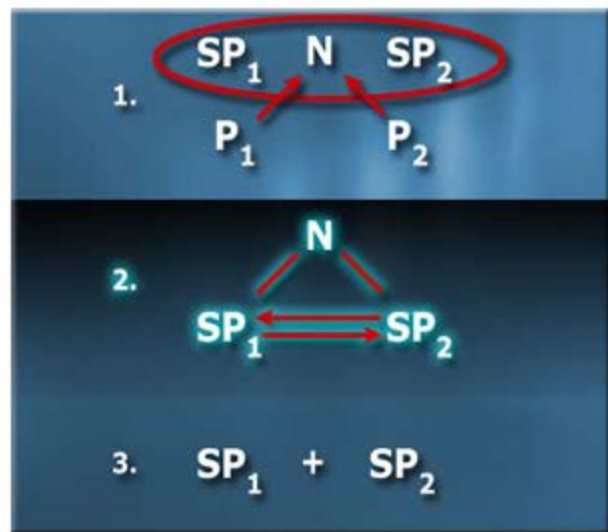
Number one is "SP1", "N", and "SP2" circled with arrows pointing to it on the left labeled, "P1", and on the right "P2."

Number two is "N" with lines going down the left side to "SP1" and on the right side to "SP2." Arrows going to "SP1" to "SP2" and "SP2" to "SP1."

Number three is "SP1 plus SP2."

### Mini-Trial - How It Works, Cont.

**Step 2:** The senior principals work with the neutral to negotiate a settlement. The neutral may also be asked to recommend a decision.



## Long Description

The Mini-Trial Panel - Contains three images.

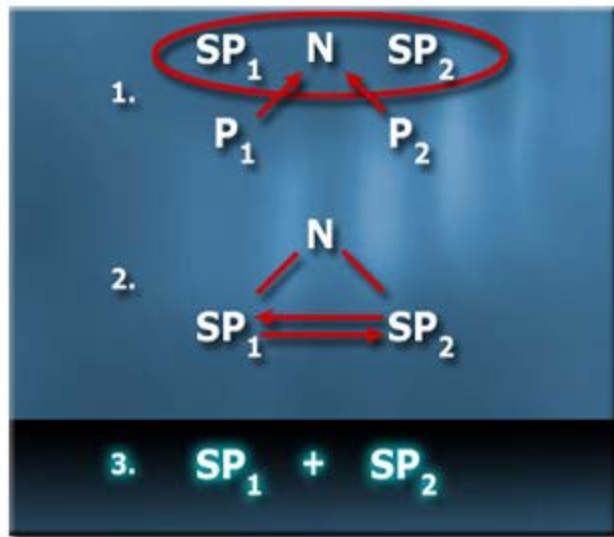
Number one is "SP1", "N", and "SP2" circled with arrows pointing to it on the left labeled, "P1", and on the right "P2."

Number two is "N" with lines going down the left side to "SP1" and on the right side to "SP2." Arrows going to "SP1" to "SP2" and "SP2" to "SP1."

Number three is "SP1 plus SP2."

### Mini-Trial - How It Works, Cont.

**Step 3:** The senior principals, evaluating the strengths and weaknesses of the cases, reach a negotiated settlement.



## Long Description

The Mini-Trial Panel - Contains three images.

Number one is "SP1", "N", and "SP2" circled with arrows pointing to it on the left labeled, "P1", and on the right "P2."

Number two is "N" with lines going down the left side to "SP1" and on the right side to "SP2." Arrows going to "SP1" to "SP2" and "SP2" to "SP1."

Number three is "SP1 plus SP2."

**Mini-Trial Summary**

The key characteristics of a mini-trial are shown in this table.

|                                  |   |
|----------------------------------|---|
| <b>Focus</b>                     | Clarifying or identifying issues; assessing strengths and weaknesses; recommending a decision |
| <b>Skills Needed</b>             | Listening, questioning, evaluating, negotiating   |
| <b>Neutrality</b>                | Must be neutral   |
| <b>Decision-Making Authority</b> | None  |

## Knowledge Review

Which of the following types of disputes would be best suited for a mini-trial? (Select all that apply.)

- The issues are technically or factually complex
- The amount of controversy is quite large on a high visibility or high value contract
- The issues of controversy might significantly affect corporate policy
- There is need for expert witnesses

Check Answer



All of the choices are disputes that would be best suited for a mini-trial.

## Settlement Judges

Settlement judges is another ADR Procedure. A settlement judge is often used after an appeal has been filed. It is often used for post-completion disputes, which are often about monetary settlement.

With this ADR procedure, a separate judge of the court or board, who does not have any formal or informal decision-making authority, functions as the neutral. This judge analyzes the case and then assesses the strengths and weaknesses of each party's position.

Based on the judge's assessment, which is non-binding, the parties attempt to reach a negotiated settlement.

If a settlement is not reached, the litigation continues with the original judge. There is no further role for the neutral (the settlement judge).



## Settlement Judges Summary

The key characteristics of settlement judges are shown in this table.

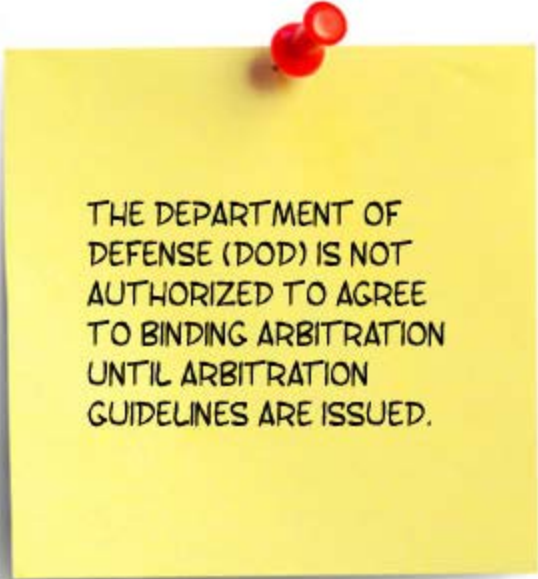
|                                  |  |
|----------------------------------|--|
| <b>Focus</b>                     | Creating a safe, neutral environment for the parties to work out their differences; assisting the parties to see the strengths and weaknesses of the proposed solutions; proposing or helping the parties to develop a proposed settlement |
| <b>Skills Needed</b>             | Negotiating; communication; cooperative problem-solving; collaborative decision-making; information exchange   |
| <b>Neutrality</b>                | Must be neutral  |
| <b>Decision-Making Authority</b> | None   |

## Arbitration

One of the oldest forms of ADR, arbitration is the ADR procedure that most closely resembles formal litigation.

In arbitration, the parties present evidence and arguments to a neutral. The neutral is usually a subject matter expert.

Unlike the other ADR procedures, in which the decisions are made by the parties, in arbitration, the neutral issues a decision. The decision may be binding or non-binding.



THE DEPARTMENT OF  
DEFENSE (DOD) IS NOT  
AUTHORIZED TO AGREE  
TO BINDING ARBITRATION  
UNTIL ARBITRATION  
GUIDELINES ARE ISSUED.

**Long Description**

Yellow sticky note that reads: The Department of Defense (DoD) is not authorized to agree to binding arbitration until arbitration guidelines are issued.

### Arbitration, Cont.

Arbitration is best suited for disputes in which:

- The parties seek a speedy resolution of the dispute
- Limited discovery is desirable
- Privacy is a concern

[Click here to learn the similarities and differences between arbitration and trials.](#)



## **Popup Text**

**Click here to learn the similarities and differences between arbitration and trials**

### **Similarities and Differences**

#### ***Similarities***

Arbitration proceedings are similar to a trial in that, with both:

- Arbitration can use discovery and have subpoena power
- Attorneys usually present the cases after extensive preparation
- Expert witnesses can be called
- There can be direct and cross examination of witnesses

#### ***Differences***

Arbitration proceedings are different from trial in that:

- There are no strict rules of evidence
- It cannot compel testimony
- There is usually more than one arbitrator on complex cases
- The decision rarely discloses the rationale

## Arbitration - How It Works

Look at the Arbitration graphic to the right to see the steps of how arbitration works.

**Process Dynamics:** Case presented to third-party in an expedited manner and third-party makes a decision

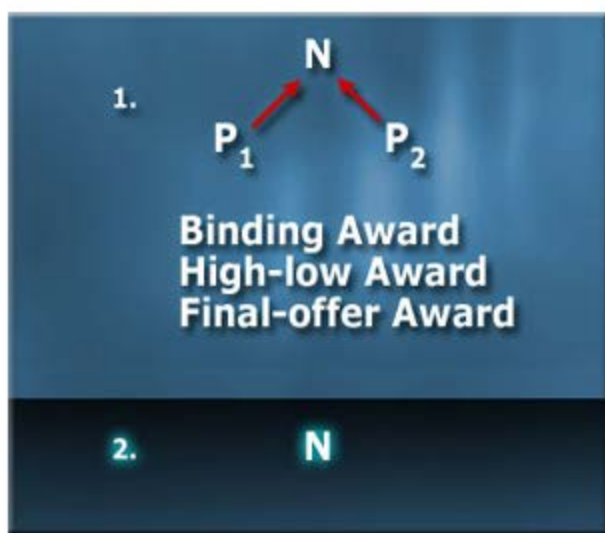
**Unique Feature:** Potentially binding decision

**Decision-makers:** The Arbitrator

### How It Works:

**Step 1:** Each party (P1 and P2) presents its case to the arbitrator (the Neutral) in an expedited manner.

**Step 2:** The arbitrator then makes a decision.



### **Long Description**

A graphic with two images labeled number one and two. Number one is the letter N at the top with arrows on the right and left hand side. The arrows are pointing up towards the letter N. At the bottom of the arrow on the left is P1 and at the bottom arrow on the right is P2. The second graphic labeled number 2 is of the letter N.

**Arbitration Summary**

The key characteristics of arbitration are shown in this table.

|                                  |   |
|----------------------------------|---|
| <b>Focus</b>                     | Clarifying or identifying issues; assessing strengths and weaknesses; making a decision |
| <b>Skills Needed</b>             | Subject matter expertise; listening; questioning; evaluating; decision-making           |
| <b>Neutrality</b>                | Must be neutral   |
| <b>Decision-Making Authority</b> | None  |

### Contrasting the Different ADR Procedures

The table below depicts the contrasting elements between each ADR procedure.

**ADR SUMMARY**

| Business Goals  | Conciliation | Facilitation | Mediation | Mini-Trial | Fact Finding | Settlement Judges | Arbitration | Litigation |
|---|--------------|--------------|-----------|------------|--------------|-------------------|-------------|------------|
| Enhance/Preserve Relationship                               | X            | X            | X         | X          | X            | X                 |             |            |
| Want to maintain control                                    |              | X            | X         | X          | X            | X                 |             |            |
| Need to deal with strong emotions                           |              |              | X         | X          |              | X                 |             |            |
| Want a "hearing on the merits" and a non-binding evaluation |              |              |           |            | X            |                   |             |            |
| Want to keep the process simple                             |              | X            | X         | X          | X            | X                 |             |            |
| Needs a decision very quickly                               |              |              |           |            |              |                   | X           |            |
| Want to establish precedent                                 |              |              |           |            |              |                   |             | X          |
| Need to stand on principle                                  |              |              |           |            |              |                   |             | X          |

**Long Description**

A ADR summary chart with eight rows titled Enhance/Preserve Relationship, Want to Maintain control, Need to deal with strong emotions, Want a "hearing on the merits" and a non-binding evaluation, Want to keep the process simple, Needs a decision very quickly, Want to establish precedent, Need to stand on principle. The chart has 9 columns titled "Business Goals, Conciliation, Facilitation, Mediation, Mini-Trial, Fact Finding, Settlement Judges, Arbitration, and Litigation.

## Knowledge Review

Which ADR procedure should be used when matters of substance are to be discussed?

- Arbitration
- Conciliation
- Fact finding, Mini-trial, and Settlement Judges
- Mediation
- Facilitation

Check Answer



**Mediation** procedures should be used when matters of substance are to be discussed.

## Knowledge Review

Which ADR procedure should be used when decisions are to be made?

- Arbitration
- Conciliation
- Fact finding, Mini-trial, and Settlement Judges
- Mediation
- Facilitation

Check Answer



**Arbitration** procedures should be used when decisions are to be made.

## Knowledge Review

Which ADR procedure should be used when the flow of information must improve between the parties?

- Arbitration
- Conciliation
- Fact finding, Mini-trial, and Settlement Judges
- Mediation
- Facilitation

Check Answer



**Facilitation** procedures should be used when the flow of information must improve between the parties.

## Knowledge Review

Which ADR procedure should be used when positive relationships must develop between the parties?

- Arbitration
- Conciliation
- Fact finding, Mini-trial, and Settlement Judges
- Mediation
- Facilitation

Check Answer



**Conciliation** procedures should be used when positive relationships must develop between the parties.

## Knowledge Review

Which ADR procedure should be used when the procedures need to be examined and/or matters of substance need to be discussed?

- Arbitration
- Conciliation
- Fact finding, Mini-trial, and Settlement Judges
- Mediation
- Facilitation

Check Answer



**Fact finding, mini-trial, and settlement judges** should be used when the procedures need to be examined and/or matters of substance need to be discussed.

## Summary

This lesson described the seven most commonly used ADR procedures, as well as when and how each is used.

You should now be able to:

- Define the ADR procedures most commonly used in the Government, without reference.



## Lesson Completion

You have completed the content for this lesson.

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