

Welcome

ADR is a sophisticated, but very useful tool for resolving disputes without litigation.

Let's take a few minutes to re-cap what you have learned in this module.



Lesson 1: Introduction to ADR

In **Introduction to ADR**, you learned that ADR is a tool for resolving contracting disputes that might otherwise have lead to litigation.

You learned that contract problems can arise for a variety of reasons over a variety of issues, such as: the amount or quality of the work to be performed, the amount of time allowed to perform the work, the price to be paid for performing the work, and who will bear the responsibility for problems that occur.

And that contract problems are exacerbated by a variety of conditions, including: expectations, business goals and commitments, communication style, and personal style.

Finally, we looked at how competition can feed disputes.



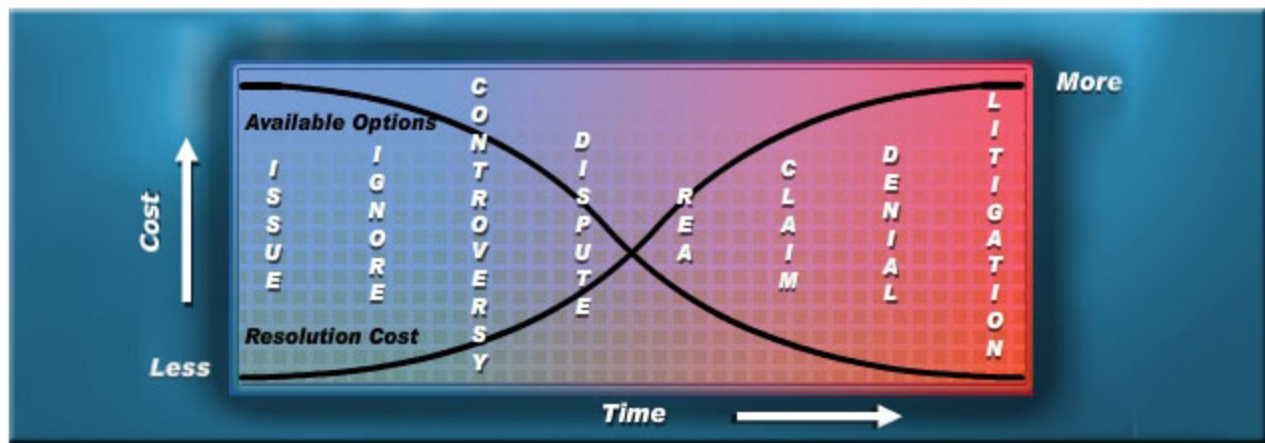
COMPETITIVENESS METER

Lesson 2: Conflict, Disputes and Litigation

In **Conflict, Disputes and Litigation**, you explored the origins of conflict and disputes and why litigation is not an optimal method for resolution.

You learned about the five conflict styles (Competitor, Accommodator, Avoider, Collaborator, Compromiser) and five methods to resolve disputes (Negotiation, ADR, Litigation, Strike, and Violence).

You then learned why litigation is often not a good alternative for resolving contracting disputes.



Long Description

The Dispute Continuum depicts the relationships between time, cost, and options available. As time passes, costs increase and available options decrease.

Lesson 3: Overview of ADR

In **Overview of ADR**, you learned what ADR is and why it is a better solution than traditional litigation.

You learned that ADR was established to create an environment in which disputes may be resolved collaboratively, as opposed to competitively.

You learned that certain conditions must be met to use ADR: issue of controversy, voluntary election by both parties, ADR agreement, and participation by officials with the authority.

Finally, you learned that contractor's participation in the ADR process is voluntary, and that the contractor's use or non-use of ADR cannot be used in Past Performance evaluations or in Source Selections.



Rules About Alternative Disputes Resolution

Lesson 4: Third Party Assisted ADR

In **Third Party Assisted ADR**, you learned that sometimes the parties in a dispute need a neutral third party - called a neutral - to help them resolve a dispute.

You learned some questions to ask to determine if third-party ADR would support the business objectives of the parties involved in the dispute.

You learned what a neutral is and the role a neutral plays in assisting parties to resolve a dispute.

You also learned about the limitations of the neutral's role - what a neutral cannot do. Finally, you learned about how to select a neutral.



Lesson 5: ADR Agreement and Overview of ADR Procedures

In **ADR Agreements and Overview of ADR Procedures**, you learned that, to use ADR, you must have an ADR Agreement. You then learned the elements that must be covered in an ADR Agreement to be effective.

You were able to view two sample ADR Agreements.

You were then introduced to the seven most common ADR procedures: conciliation, facilitation, fact finding, mediation (evaluative and facilitative), mini-trial, settlement judges, and arbitration.

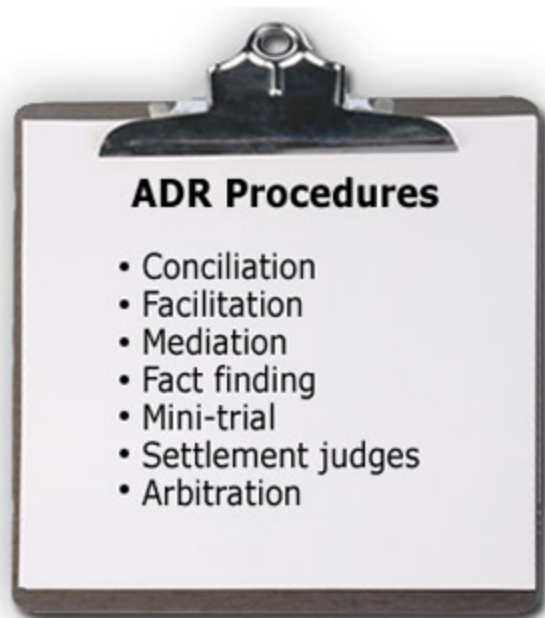
You also learned that some disputes might require more than one ADR procedure to reach resolution.

ADR Agreement

Lesson 6: ADR Procedures

In **ADR Procedures**, you explored the seven most common ADR procedures (conciliation, facilitation, fact finding, mediation (evaluative and facilitative), mini-trial, settlement judges, and arbitration), learning their characteristics, how each works, and when to use each.

You also explored a few cases to see how some of the different ADR procedures were used to settle disputes.



Long Description

Clipboard holding a piece of paper with ADR Procedures listed: Conciliation, Facilitation, Mediation, Fact Finding, Mini-trial, Settlement Judges, and Arbitration

Lesson 7: ADR Selection Exercise/Scenarios

In **ADR Selection Exercise/Scenarios**, you went to work.

You evaluated six different scenarios to see if they were appropriate for ADR. You then selected the best ADR procedure to resolve the dispute described in each scenario.



ADR Lessons Learned

Over the years, those who have worked with ADR have learned some valuable lessons, which we are passing on to you.

For ADR to have the greatest chance to succeed:

- Get the right business principals involved.
- Be sure the government team really is a team.
- Begin with the End in Mind: Settlement mechanics & payment issues need to be addressed early in the process.
- Be Flexible - Change things that are not working and keep those that are.
- If either side is not prepared, the ADR may fail—both sides need to justify a settlement to their management.



ADR Lesson Learned, Cont.

Additional lessons learned:

- Be sure the neutral is familiar with the controversy and is prepared to engage with the parties.
- Demonstrative "Evidence" (such as: graphs, charts, diagrams, photographs, models, illustrations) is very effective in ADR.
- Neutrals will (depending on the type of ADR used) frequently provide candid assessments of a case and this assessment should not weaken a strong case or strengthen a weak one.



Module Completion

You have completed the content for this lesson.

At this point you should have completed all of the lessons in this module.

Please take the Module Exam and complete the Module Survey so you may receive credit for this course.

If you have closed or hidden the Table of Contents, click the Show TOC button at the top in the Atlas navigation bar.