WHY DISPUTE RESOLUTION?

The benefits of utilizing DR options to resolve disputes instead of litigating matters in court are significant:

- Allows parties a sophisticated variety of resolution options
- Reduces time, expenses and overall costs
- Streamlines procedures and achieves swift solutions
- Preserves relationships and reputations
- Permits parties more control over the outcome
- Parties experience autonomy in structured negotiations and fashioning creative resolutions
- Provides parties a forum in which to be heard
- Preserves privacy and confidentiality
- Builds the client-lawyer relationship
- Boosts client satisfaction
- Neutrals offer an impartial sounding board

THE DISPUTE RESOLUTION SPECTRUM

- Adjudication by Referee
- Arbitration and its Hybrid Forms
- International Arbitration and Negotiation
- Collaborative Law
- Community-Based DR
- Conciliation
- Direct Negotiation
- Early Case Assessment
- Expert Determination
- Facilitation
- Fact-finding Hearings
- In-House DR Practices
- Mediation
- Mediation/Arbitration Hybrid
- Mini-trial/Summary Jury
- Negotiation
- Ombuds Services
- Restorative Justice
- Settlement Conferences
- Skills Training and Education
- Special Masters Services
- Standing Neutrals/Dispute Resolution Boards

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Dispute Resolution
Cutting-Edge Navigation for Today’s Conflicts, Disputes and Controversies
Dispute Resolution is a selection of highly effective processes which allow involved parties to work toward resolution employing methods that best fit their conflict, personalities and resources.

“By using proven DR processes, parties can save time, save money, minimize stress, retain control of their case and reach private, flexible, creative and satisfying solutions to even the most complex matters.”

BRIAN R. JEROME, ESQ.
CHAIR, MBA DISPUTE RESOLUTION SECTION

“Dispute Resolution is the oasis of the legal process. It is a mechanism that empowers litigants by creating an environment in which they can craft their own solutions and end disputes on their own terms.”

SARAH E. WORLEY, ESQ.
VICE CHAIR, MBA DISPUTE RESOLUTION SECTION

“Dispute resolution gives clients a much better chance to protect common interests and preserve relationships. What a compelling alternative for divorcing parents of a child with special needs; adult children caring for an elderly parent in decline; neighbors who will continue to live next door; and business partners who have been working side-by-side for many years.”

SEUNGHIEE CHA, J.D., LL.M.
TRUST AND ESTATE PLANNER

“Dispute resolution has transformed the commission’s ability to resolve discrimination complaints. Both complainants and respondents benefit from the non-adversarial, efficient, low-cost option that mediation offers.”

SUJATI THOMAS-GEORGE, ESQ.
COMMISSIONER, MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

What is Dispute Resolution?

As shown in the Dispute Resolution Spectrum, there are many DR process options. Choosing the right DR process for a specific situation significantly improves resolution prospects. Here are some of the more common practices, but circumstances may call for a different process or a variation of these:

Conciliation is a flexible, interest-based process where the neutral encourages settlement as a more desirable alternative to trial and a decision by a judge or jury.

Collaborative Law is a structured early negotiation process which is non-adversarial, and focuses on resolution by intention and design without litigation or court intervention.

Mediation is a process where the chosen neutral assists the parties in reaching their own negotiated resolution, using facilitative and/or evaluative skills to work toward a settlement. Mediation can be attempted even before litigation is filed.

Arbitration is the private determination of a dispute by an independent and neutral third party. The arbitrator’s award is legally binding, and enforceable by the court.

Early Neutral Evaluation is the use of a neutral expert in the areas of the law at issue in the dispute for providing the parties evaluative feedback on the likely outcome and scope of damages if the case were to be adjudicated.

Dispute Resolution (DR) Section Council Mission

To promote the use of Dispute Resolution (DR) by educating members of the Massachusetts Bar Association, the Judiciary, the Legislature, the bar, trusted advisors and the general public about the nature and benefits of DR processes, and how to utilize them for the best possible resolution of conflicts.

Produced by the Massachusetts Bar Association Dispute Resolution Section Council

For more information, visit www.MassBar.org/DRSectionCouncil.