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**SOLICITORS & BARRISTERS**

**MORTGAGES & FINANCE**

## Alternative Dispute Resolution

Alternative Dispute Resolution (or “ADR” as it’s widely called) refers to a variety of processes which parties to a dispute can use rather than going to Court.

Family law, commercial disputes, employment problems, inter-family disputes, and even neighbourhood disputes are all ideal candidates to consider the use of ADR.

There are a variety of ADR methods commonly in use. Some methods, such as mediation, aim to have the parties (with assistance) identify the dispute and develop options to resolve it themselves. Methods such as arbitration are more controlled and involve having a person appointed to make a decision based on the facts put before them by the parties. Advisory processes, where for example an expert is mutually appointed to make a decision, often take the parties out of the dispute altogether.

Many commercial contracts include conditions that provide in the event of a dispute, one or more methods of ADR must be used by the parties instead of going to Court.

Going to Court can be expensive and often cumbersome and slow. Courts are bound by procedure and the rules of evidence, and there are often long lists of other people waiting to have their disputes dealt with. ADR avoids a lot of the cumbersome formality and often provides a much faster, cheaper result for the parties, with the spin off that because the parties can be more involved in the process, they often achieve a result that everybody is happier with, rather than having a decision imposed upon them.

You don’t have to be legally represented to use ADR, however it is common for parties who use ADR to retain the assistance of a lawyer so that not only is their case best presented, but they have advice on hand as to the ramifications of any resolution that they may agree upon.

We often help clients either by acting as a mediator or alternatively representing a party to an ADR process. In our experience, as long as there is some degree of genuine desire on both sides of the dispute to actually resolve it, ADR is an effective tool to quickly and comparatively cheaply resolve disputes.