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Alternative Dispute Resolution (Academic)

ALTERNATIVE DISPUTE RESOLUTION		
OVERVIEW	12. AUTHORITY: FRCP, Rule 16. In alternative dispute resolution and delay	15. PRIVATE ENFORCEMENT OF VOLUNTARY RESOLVE TERMS
1. PRIVATE ENFORCEMENT	1. Advantages	1. Court filing parties in voluntary resolution rather than require submission to litigation
1. Advantages of litigation	2. court can compel good faith participation by each claimant party	2. Discretion is generally non-binding
2. Private ADR engaged as an voluntary basis	3. Disadvantages	3. No guarantee of finality
3. Private ADR engaged as an voluntary basis	4. Dispute stays	4. Binding contract relationship between parties and under binding contract
4. Generally enforceable under FRCP, unless contract	5. court may compel good faith participation by each claimant party	5. Neutral person design and manage negotiation process
5. Generally enforceable under FRCP, unless contract	6. emphasis on settlement because litigants entered in private proceedings	6. Generally enforceable under FRCP, unless contract
6. Generally enforceable under FRCP, unless contract	7. Relevant Federal and California Statutes	7. Mediation
7. Mediation	1. Federal Arbitration Act (9 U.S.C. § 1 et seq. (FAA))	8. Neutral person meets with parties jointly or separately to encourage communication requirements
8. Mediation	2. Federal Arbitration Act (9 U.S.C. § 401 et seq. (FAA))	9. Recognize individual interests
9. Mediation	3. Alternative Dispute Resolution Act (9 U.S.C. § 3101 et seq. (ADRA))	10. Suggest possible solutions
10. Mediation	4. California Mediation Act	11. Confidentiality
11. Mediation	5. Neutral mediator non-binding opinion on issues	12. Confidentiality
12. Mediation	6. Court-Ordered settlement agreements, such as differences in jurisdiction of federal courts	13. Confidentiality
13. Mediation	7. Neutral Experts	14. Confidentiality
14. Mediation	8. Appointed by court to examine factual issue and provide written report	15. Confidentiality
15. Mediation	9. Court-Ordered settlement agreements, such as differences in jurisdiction of federal courts	16. Confidentiality
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Synopsis

This useful study guide to Alternative Dispute Resolution outlines the steps and procedure involved in settling disputes in an official fashion while preempting litigation.

Book Information

Series: Academic

Pamphlet: 4 pages

Publisher: QuickStudy; Lam Chrt edition (December 31, 2009)

Language: English

ISBN-10: 1423208773

ISBN-13: 978-1423208778

Product Dimensions: 8.5 x 11 x 0.1 inches

Shipping Weight: 1.6 ounces (View shipping rates and policies)

Average Customer Review: 4.0 out of 5 stars See all reviews (1 customer review)

Best Sellers Rank: #797,511 in Books (See Top 100 in Books) #62 in Books > Law > Rules & Procedures > Alternative Dispute Resolution #190347 in Books > Reference

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