CRM 123

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**Introduction**

We know that apart from the conflict resolution solution from the process of litigation, there are other processes that are more effective that can opt for. Disputants who are not able to do the negotiation to the conflict in pending but want to avoid the consequences of public trial in the court can choose the method of ADR (alternate dispute resolution). The main reason that ADR gained popularity among the masses is due to its effectiveness as compared to the slow and public process of the traditional system of legal justice. It has been seen in many cases that an attorney drags the case in order to increase the litigation expenses of the opposition thus forcing the relatively financially weak opponent so that the case can be settled in their unfavorable terms.

If we look at the facts, very meager quantities of cases that are filed actually proceed to the actual trial.

**Discussion**

According to some of the data that is provided by the federal courts, of the total 305,713 civil cases that goes into the termination in the district courts of USA, in 2011, only 1.1 percent is passed through the process of the actual trial. The federal cases percentage that reaches the trial in 2006 was 1.3 percent and in 2002, the figure is 2.2 percent. Because the method of ADR can resolve the cases in less time and fewer expenses that is why some of the lawyers are directed by the Supreme Court to explain the other options that are available to their client other than the process of litigation.

In the year 1998, the ADRA enactment is done by the Congress that has increased the interest of judiciary in ADR. Some of the ADR options are offered by the jurisdiction in the form of the menu, while the focus of others is still in the process of ADR such as arbitration or meditation. Generally, the ADR process is divided into voluntary or court-annexed ADR process. In the voluntary ADR process, both the conflicting parties appoint the third party or in other cases resolve the cases on their own. While on the other hand, the program of Court-annexed ADR is created by court rule or law, and the participating parties in the ADR are required to go in front of the state or local court as defined by their rule.

The demand for the avoidance of trial methods to resolve the disputes results in the settlement reliance increase in conferences, arbitration, and mediation that are the most popular and the oldest methods employed for ADR. Along with the above-mentioned techniques, some new techniques are also introduced in the ADR program such as mini-trials, private trials, and jury summary trials. We will define some of the older technique in the following paragraphs.

**Settlement Conference**

In the Settlement Conference process of the ADR, it is required of the judges to promote the cheap, speedy, and just determination of any dispute. If a judge is willing to help the parties by using his assertive technique to explore the potential settlement lawsuit, he can use this technique. The judge can start the process by assisting any response from one or more parties.

**Arbitration**

In the process of Arbitration which is also known to be the most used ADR form among all others is away in which the disputes are resolved outside the premise of the court. The decision of the arbitration is done by one or more of the outside party. They render the conflicting parties the "arbitration award". The arbitration award binds legally both sides of the parties and can be enforced by the court of law.

**Mediation**

The process of Mediation is a technique in which a neutral party that can be one or more in number mediates the disputants a way that is acceptable for both of them that can settle the dispute.

**Conclusion**

The main reason that ADR gained popularity among the masses is due to its effectiveness as compared to the slow and public process of the traditional system of legal justice. It not only is cheap but also helps both the parties to remain secretive that are not possible in the public hearing of the cases. Public hearing often results in the embarrassment for the parties so mostly parties opt for the process of ADR.

**References**

Schubert, F. A. (2011). Introduction to law and the legal system. Cengage Learning.