

What is alternative dispute resolution?

Alternative Dispute Resolution, which is commonly known as “ADR,” refers to several procedures for settling legal disputes by means other than courtroom litigation. The various ADR procedures, which are generally less costly and less time consuming than trials, are increasingly being used in commercial and labor disputes, divorce and custody actions, personal injury and property claims, and in other disputes that might normally involve prolonged litigation and costly legal fees.

What types of alternative dispute resolution are available in Indiana?

In Indiana ADR is governed in part by the Rules for Alternative Dispute Resolution, issued by the Supreme Court of Indiana. At the present time, ADR rules apply to civil and domestic matters only. These rules provide for 5 primary types of ADR:

- mediation
- arbitration
- mini-hearings
- summary jury trials
- private judges

All five types are used in Indiana, but the two most common types of ADR used in the state and throughout the United States are mediation and arbitration.

• **Mediation** This is a process in which a neutral third party, called a mediator, acts to facilitate the resolution of a dispute between two or more parties. This is an informal and non-adversarial process. The objective is to help the disputing parties reach a mutually acceptable agreement between themselves on all or any part of the issues in dispute. Decision-making authority rests with the parties, not the mediator. The mediator assists the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and assists in other ways consistent with these activities. Mediation can be entered into by agreement of the parties or ordered by the court.

• **Arbitration** This is a process in which a neutral third person or a panel, called an arbitrator or an arbitration panel, considers the facts and arguments which are presented by the parties and renders a decision. The decision may be binding or non-binding.

• **Mini-hearings** A mini-hearing is a settlement process in which each side presents an abbreviated summary of its case to the parties’ senior officials who are authorized to settle the case. A neutral advisor may preside over the proceeding and give advisory opinions or rulings if asked to do so. Following the presentation, the officials seek a negotiated settlement of the dispute.

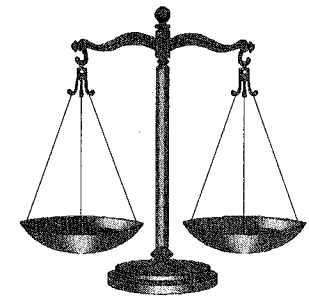
• **Summary jury trials** This is an abbreviated trial with a jury in which the parties

present their evidence in an expedited fashion. The litigants and the jury are guided by the presiding judge. After an advisory verdict from the jury, the presiding judge may assist the litigants in a negotiated settlement of their controversy.

• **Private judges** This is a process in which litigants employ a private judge, who might be a former judge or another similarly trained person, to resolve a pending civil or domestic lawsuit. The parties are responsible for all expenses and their allocation.

Do arbitrators or mediators receive special training?

You should ask your mediator or arbitrator what qualifies them to perform these services. The types of training available are too numerous to list here, but your arbitrator or mediator will be able to describe the training they have received and tell you about their experience.



Where can I obtain more information about ADR and obtain ADR services?

In Indiana, there are several ways to obtain more information about ADR and ADR services:

Indiana State Bar Association Persons interested in learning more about ADR can contact the Indiana State Bar Association at 317/639-5465.

County and local bar associations Persons can also contact county or local bar associations, most of which should be able to provide additional information about ADR services available. The telephone numbers of county and local bar associations can be obtained through a local telephone directory or by telephoning the Indiana State Bar Association at 317/639-5465.

Your attorney If you are already represented by an attorney or have counsel available to you, this person may be able to recommend ADR resources.

Yellow Pages The Yellow Pages is also an excellent resource to locate arbitrators and mediators. Simply look up "arbitration services" and "mediation services" in your local Yellow Pages.

NOTES

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This pamphlet is based on Indiana law and is issued to inform, not to advise. No one should try to interpret the law without the aid of a lawyer who knows the facts, since the facts may change the application of law.

All inquires regarding the reprinting or distribution of this brochure should be addressed to the Indiana State Bar Association, 230 E. Ohio St., Indianapolis, IN 46204, (317) 639-5465.

**ALTERNATIVE
DISPUTE
RESOLUTION**



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