Courts and ADR:
Many ways, many skills and techniques but one destination and one imperative
Drivers of ADR
Delays & Backlog in Cases
Too much cost
Delay + Costs = Losses & endings
Self help takes over = victims
Winners & losers a constant reality
Finality an elusive dream
Clients’ preferences
JUSTICE
Traffic rules = Principles
Mediation in action
Fundamental Principles

- Impartial
- Prompt
- Equality in
  - Access
  - Participation
- Fair
- Less costs
- Finality
Consider

FORMAL COURTS
- Impartial
- Fair
- Prompt??
- Less costs??
- Equal in:
  - Access??
  - Participation??
- Finality ??

MEDIATION
- Impartial
- Fair
- Prompt
- Less costs
- Equal in:
  - Access
  - Participation
- Finality
Imperative to cooperate

COURTS
- Interpretation of Statutes
- Need for precedent
- Conflicting precedents
- Public sanction
- Vulnerable third parties
- Inability to negotiate

MEDIATION
- Every thing missing on the Courts’ menu
Outcome

- No delays
- Prompt resolutions
- No backlog
- Less costs
- Less harm and less damage
- Equality in:
  - Access
  - Participation
- Finality
Result

- No delays
- Prompt resolutions
- No backlog
- Less costs
- Less harm and less damage
- Equality in:
  - Access to justice
  - Participation
- Finality

- Confidence and trust
- Better choice
- Better outcomes
- More time for:
  - Business
  - Nation building
- Peaceful nations
  world and peoples
Peacemakers & Builders