

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

FACT SHEET #1

GOALS, STAGES AND TYPES OF CASES FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)

WHAT ARE THE GOALS OF ALTERNATIVE DISPUTE RESOLUTION (ADR) IN THE EASTERN DISTRICT OF MISSOURI?

Alternative Dispute Resolution (ADR) in the Eastern District of Missouri is designed to achieve the following objectives: 1) Provide a simple and confidential structure for voluntary disposition of civil cases; 2) Improve time to disposition of cases referred to ADR; 3) Reduce litigation costs for parties to civil suits; 4) Enable parties to fashion wider range of remedies.

WHAT IS MEDIATION? Court-defined Mediation is an informal non-binding dispute resolution process in which an impartial neutral (Mediator) facilitates negotiations among the parties in litigation to help them reach a settlement. Mediation can extend beyond traditional settlement discussion to broaden the range of resolution options, often by exploring litigants' needs and interests that may be independent of the legal issues in controversy. Parties to mediation design their own dispute resolution and determine the outcome, which includes the option of agreeing to settlement.

WHAT CIRCUMSTANCES ARE APPROPRIATE FOR MEDIATION? Mediation provides creative or business-driven solutions to a variety of problems that might prevent speedy resolution during litigation. When communication between the parties is a major barrier, or the interests of the parties are obscured by rigid legal positions, mediation may help resolve the issues involved. When equitable relief is sought, mediation may aid parties in coming to an agreement on the terms of an injunction or consent decree. Mediation may also benefit continuing business or personal relationships.

WHAT IS EARLY NEUTRAL EVALUATION (ENE)? Court-defined Early Neutral Evaluation is a process in which an experienced neutral evaluator offers pre-trial planning assistance to parties together with a reasoned, non-binding assessment of their case at an early stage of the litigation process.

WHAT CIRCUMSTANCES ARE APPROPRIATE FOR ENE? Any civil case may be appropriate for ENE, if the judge believes the parties are likely to mutually benefit from such referral and if the court has an available Evaluator with the appropriate subject matter expertise. When the case involves technical or specialized subject matter it is important to have a neutral with expertise in that subject. ENE may aid counsel or the parties when they are far apart on their view of the law and/or value of the case, when case planning and assistance would be useful, when central issues need clarification, when the case may be complex, or when equitable relief is sought. With the aid of a neutral expert, parties may agree on the terms of an injunction or consent decree.

WHICH CASES ARE APPROPRIATE FOR ADR? ADR works well for personal injury cases, products liability cases, routine diversity cases, employment cases, and cases involving business relationships.

WHICH CASES ARE INAPPROPRIATE FOR ADR? Cases where ADR cannot be used are: appeals from rulings of administrative agencies, habeas corpus and extraordinary writs, bankruptcy appeals, social security cases and prisoner civil rights cases. Also, cases sometimes considered unsuitable for ADR include substantial issues of public policy, cases involving multiple parties, or unsettled legal issues.