

ADR Checklist

Case Name: _____

Case No.: _____

Today's Date: _____

Attorney: _____

Deciding Whether To Recommend Mediation Or Other ADR To Your Client

- Opposing party has expressed an interest in ADR.
 - Client has expressed an interest in ADR.
 - One side, either our client or opposing counsel or client, does not have a realistic view of the case.
 - Matter arose or is being prolonged because of emotional rather than legal issues.
 - A continued relationship between parties is necessary or worth preserving:
 - _____ an employee
 - _____ a contractor who still conducts business with the Postal Service
 - _____ a mailer
 - Speedy resolution is important to our clients.
 - Other matters involving the same party are pending and could be incorporated into a universal settlement.
 - The parties on one side of the case are unable to agree among themselves on a settlement position.
 - The parties might benefit from hearing the other side and talking together face-to-face.
 - One or both parties might be interested in relief that could best be worked out through face-to-face discussions, such as an apology or an agreement regarding future interaction.
 - The parties want to pre-empt a court-ordered ADR process (e.g., because of poor quality neutrals).
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- A neutral evaluation of the probable outcome could help the parties settle the case.
 - An opinion from a neutral fact finder on technical or complex factual issues might help the parties agree on settlement terms.