

# Reasons Lawyers Use ADR- It Can Be Good for Clients

- Faster
- Less costly
- Easier, less formality
- Less confrontational, adversarial
- Creative, practical solutions
- Avoiding unpredictability
- Avoiding precedent
- Better for on-going relationships
- Participant satisfaction
- Solutions with “buy-in” likely to last
- Avoiding publicity
- Ability to choose neutral
- Little to lose by attempting ADR
- *Parties retain control of outcome*

# Reasons Lawyers Might *NOT* Use ADR

- Need for precedent or certainty
- Anticipation of bad faith
- When one party mainly seeks delay
- Clients don't want to
- Public policy development – openness/record needed
- Options are dictated or limited by law
- Serious power imbalances exist
- Linkage to other litigation
- Outcome will have significant affect on other people
- ADR as improper substitute for other required action

# Other Reasons

- Are there other reasons why lawyers might hesitate to use the process?
- Are there ways lawyers can address some of the reasons and still use ADR process?
- A few “take away” tips are attached to assist with lawyer-lawyer and lawyer-client communication issues and other potential barriers