

ADR Times

EVERYTHING YOU NEED TO RESOLVE DISPUTES

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For people looking for resolution in a case in California, ADR Services, Inc. is a prominent and growing alternative dispute resolution company with a wide variety of services, including a large panel of neutrals with a range in expertise. The company is committed to providing one of the best possible experiences for its clients and seeks to always adapt to the shifting landscape of alternative dispute resolution. ADR Services, Inc. prides itself on its ability to solve problems in a professional, unconventional, and comfortable environment. While resolving complex matters is a challenging task, ADR Services, Inc. hopes to make the process as smooth and effortless as possible. The goal of every service provided by ADR Services, Inc. is resolution, and as their tagline states, they are ready to leverage technology to drive resolution.

This article will focus on the services provided by ADR Services, Inc. and how they can be used to resolve even the most complex and daunting of conflicts. It will give a brief overview of the different aspects of the company and then provide a discussion of the alternative dispute resolution services that it offers. Next, it will

discuss in particular the arbitration rules created and used by ADR Services, Inc. and end with an exploration of the differences that are unique to the way that the company does dispute resolution.

An Overview of the History and Key Goals of ADR Services, Inc.

ADR Services, Inc. was founded in 1994 by Lucie Barron, and since its founding, the company has grown from a small location in Los Angeles to a full-scale operation with offices around the state. It has grown its neutral panel and offered a wider range of services as well. Ms. Barron, the company's Founder and President, comes from a long career in psychology and business that guides the principles of ADR Services, Inc. toward client and customer service, as well as growth and opportunity in the field. The company has recently been undertaking the transition to a virtual setting amidst a global pandemic and the issues that virtual dispute resolution provides.

Several aspects of ADR Services, Inc. make it stand out amongst a large quantity of ADR providers. These aspects include:

- Extensive Panel: ADR Ser-

vices, Inc. has over 130 distinguished members on their panel with years of experience in the legal field and on the bench. These neutrals can provide a variety of services and come from a diversity of backgrounds that allows clients to find a neutral that understands their case. Finally, the extensive panel allows clients to also choose a neutral whose personality is a good fit for the parties' needs.

- Customer Service: Another aspect of ADR Services, Inc.'s organization that is vital to its success is the value placed on customer and client service. Each case will be assigned a case manager or assistant case manager that oversees the entire process of the services. This manager will work to make sure that the interaction is positive and will provide guidance on the neutral, scheduling, and procedure. They are also responsible for providing prompt assistance and information as the case moves forward.

- Experience: ADR Services, Inc. handles over 9000 cases a year and neutrals have experience in practically every type of case. This experience includes probate, family law, health care, insurance, personal injury, real estate, employment, contracts,

business, and many others. This experience means that there is always likely to be a neutral to address a case's needs.

- Community Engagement: The company seeks to provide numerous pro bono efforts to achieve greater access to alternative methods of dispute resolution. They also work in conjunction with many nonprofit organizations around the state.

The culture of providing excellent community service and partnering with clients to find the right solution to a dispute sets ADR Services, Inc. up as a leading provider of dispute resolution services.

Services Provided:

As mentioned earlier, there are a variety of services offered by ADR Services, Inc. through their neutrals. These services range from full-scale arbitration to mock trials and evaluations. These services are all provided under ADR Services, Inc. and its rules and procedures, ensuring quality and consistency.

Arbitration:

Usually the most binding and extensive of the alternative dispute

resolution processes, arbitration is a process where a neutral or panel of neutrals hear evidence presented by all parties to a case and evaluate the case much like a judge would. The proceedings are often less formal than traditional litigation and are not bound by the same rules of evidence. The arbitration panel will review the evidence presented and will issue a decision called an award. Arbitration is usually binding on the parties, and there is very little room for appeal with arbitration. An important aspect of arbitration is that the parties have to voluntarily enter into the process because it can require parties to waive rights that they would normally have in court. This voluntariness requirement is often met by an agreement to arbitrate any disputes arising out of the contract that contains the clause, or it may be in an agreement after the dispute arises. ADR Services, Inc. provides arbitrators to parties that request them and also has their own set of arbitration rules that will be discussed below.

Mediation:

Mediation is another formal dispute resolution process. Mediation is not binding, unlike arbitration. It is a conference between the parties and a neutral where the participants can discuss the issues and suggest resolutions to the issues. Mediation often functions similarly to negotiation with offers and counteroffers, but it adds a neutral to the equation to aid the parties in communication and negotiation with the hopes of finding a solution that works for the parties. Mediation is usually voluntary, so the parties will have to agree to mediation; however, courts will occasionally require that parties attempt mediation before continuing on with litigation. This can be by law for small claims or it can be by judicial decision. Mediation can happen at any stage of the case. ADR Services, Inc. can provide mediators at the request of the parties.

General References:

General references are cases where a pending court action is submitted to a neutral referee who will try one or all issues

in the case. This must be done with the consent of the parties. This type of hearing is conducted under the rules of evidence that apply to the primary case before the court. Usually, a referee will hear the case and then issue a statement of decision that will then become a court order from the trial judge. This allows the decision to be appealable and preserves the trial court's jurisdiction over new trial motions and post-judgment remedies. ADR Services, Inc. provides referees when needed.

Special References:

A special reference is similar to a general reference in that a referee will be deciding an aspect of the case. This will typically happen in busy court systems where the parties need a determination but the court cannot hear the motion or issue quickly. These references are often about pre-trial motions, such as discovery disputes or subject matter disputes. The referee will report their findings back to the judge in the civil case, and the judge will decide based on this determination. This process may be either voluntary or involuntary, as judges are allowed to refer some matters out. ADR Services, Inc. can provide referees when the parties request.

Special Masters:

Special masters are people appointed by the court to complete an action on the court's behalf. This can happen at any point during the case, including before, during, and after the trial. The duties may range from discovery motions and settlement to the facilitation of family court cases. They may also be used when the court is hearing a particularly complex case and the expertise of another person is needed to make an informed ruling on the matter. Many of ADR Services, Inc.'s neutrals are qualified and serve as special masters in California.

Private Trials:

Private trials are trials that are very similar to traditional litigation; however, a private trial is heard by a judge pro tem, or tem-

porary judge. This individual is appointed by the parties to serve in this capacity, so it allows the parties to have some control over the way the case is decided. All documents and pleading will still be filed with the court and given to the temporary judge to help decide the case. The temporary judge will issue a ruling that will be binding on the parties, but it has the same ability for appeal that traditional judgments do. The temporary judge remains in the jurisdiction to hear post-trial motions. ADR Services, Inc. has a long list of neutrals ready to serve as a judge pro tem in a private trial.

Early Neutral Evaluation:

Early neutral evaluation is a process where a neutral looks at the evidence and hears the parties' positions before providing a non-binding opinion of how the case will likely go and the merits of each party's case. This helps each party evaluate the case through the other party's lens and allows them to see how a judicial officer may respond. The neutral in these cases can be provided by ADR Services, Inc.

Mock Arbitration:

A mock arbitration is a setup where a party can present their case as they would in arbitration before a neutral to help evaluate the strengths and weaknesses of the case and what the party can improve upon for actual arbitration. In this situation, the parties will often treat it like they are going to their actual arbitration and will present their case fully. It assists counsel in evaluating evidence and theories, develops arguments, and improves on any issues with the presentation. It can also be helpful if there will be witnesses who are unfamiliar with the process and need exposure to examples of the way things may go in arbitration. ADR Services, Inc. provides arbitrators to conduct the mock arbitration and tailors the process to fit the specific needs of the party.

Mock Trial/Moot Court:

A mock trial is the same idea as mock arbitration, but it is a prac-

tice trial or argument. A mock trial is a simulated court trial and the procedure and evidence rules of court will apply. Moot court is a simulated appellate argument in front of a panel of judges. These practices can be beneficial to help a party understand any weaknesses in the case and help assess what can be done to fix those weaknesses. ADR Services, Inc. may provide neutrals to serve as judges in these exercises.

Appellate Consultations:

ADR Services, Inc. has a large panel of experienced appellate justices that can provide feedback and evaluation on an appeal that is pending, anticipated, or beginning to be contemplated. These neutrals can provide advice on whether there are grounds for appeal, technical issues, or strategy. This can save time and money. ADR Services, Inc. provides a neutral assessment of mock arguments, review and critique of briefs, and development of strategy.

There are several other subject-matter-specific services that the company provides, such as partition references, limited purpose receiverships, and appraisal hearings. All of these services allow the company to fully serve their clientele, whether in actual resolution or to prepare for attempts as resolution. ADR Services, Inc. provides invaluable wisdom and expertise to parties and disputes.

Arbitration Rules

In addition to all of the services mentioned above, ADR Services, Inc. has also created its own set of arbitration rules that govern arbitration carried out under the company. The goal of these rules is to provide the highest level of effectiveness. These rules are designed to address the needs of the parties and provide common expectations of what the process of arbitration will be like for the parties. This is helpful for parties evaluating whether ADR Services, Inc. is the best option for their dispute or for parties who are preparing to have their dispute arbitrated under ADR Services, Inc. Knowing the basics of these rules will

help the parties prepare and make decisions effectively. Some rules that the parties will need to understand when using the ADR Services, Inc. Rules are discussed below.

Agreement:

As discussed above, arbitration must be voluntary because certain trial rights will be given up when using arbitration over litigation. This agreement must be written, and to ensure the arbitration will be carried out under the ADR Services, Inc. Rules, the rules or ADR Services, Inc. will need to be mentioned specifically in the agreement. The parties need to actively choose to have their dispute heard in front of ADR Services, Inc. arbitrators.

Demand for Arbitration:

To begin an arbitration, one or both of the parties need to ask ADR Services, Inc. to initiate the process and alert the other party that the process is beginning. This can be done through a demand, a stipulation, or a court order. A demand is a written statement to the other party that gives notice of the intent to arbitrate the dispute. This demand must also include a statement about the na-

ture of the dispute, the names and addresses of all other parties, the amount involved, the claims and remedies sought, and the hearing locale requested. This demand must also be filed at an ADR Services, Inc. office with a copy of the applicable arbitration contract.

Once the demand is received, ADR Services, Inc. will send a commencement letter to the parties with the procedure to continue with the initiation of the arbitration. The respondent will have fifteen days after receiving the letter to send an answering statement and the assertions of any counterclaims or defenses in the matter. Once this is filed, the arbitration will be initiated and the parties will begin to prepare.

Jurisdiction:

Similar to many other arbitration rules, these Rules allow the arbitrator the power to rule on their jurisdiction, including any objections to the jurisdiction for existence, scope, or validity. This also allows the arbitrator to make a ruling on whether or not the agreement that gives ADR Services, Inc. jurisdiction is a contract that can bind the parties. The arbitrator may issue this decision as a preliminary matter, or

they may make the ruling a part of the final award. This power of the arbitrator is controlled by any court ruling on the arbitrability of the claim.

Arbitrator Selection and Appointment:

These rules also lay out a process for selecting and appointing an arbitrator. The rules state that arbitration will proceed with one arbitrator unless all parties agree to allow a panel. If the parties are not able to agree on an arbitrator, the arbitrator will be chosen through a process laid out in the rules. First, ADR Services, Inc. will send identical lists of at least seven names of people who are qualified and able to hear the dispute. This will also include any agreements for qualifications that the parties have requested. The parties will then be asked to agree on one of these names. If they cannot agree, they will be able to strike three names from the list and rank the remaining names in the order of preference. They will return these lists, and ADR Services, Inc. will find any common ground between the parties. If there is no agreement, ADR Services, Inc. will appoint an arbitrator based on the rankings of the remaining neutrals.

The rules then go on to outline the process of arbitration, allowing the parties to request mediation at any time and lay out a hearing schedule. Walking through these rules will help a party gain a better understanding of how an ADR Services, Inc. arbitration works and how to best prepare for what is coming next.

Conclusion:

ADR Services, Inc. is one of the premier providers of alternative dispute resolution work in the state of California. Their extensive list of neutrals with experience and expertise allows them to provide a wide variety of services to their clients. With the attitude of keeping the client at the forefront of the issues, ADR Services, Inc. could grow their business with satisfied customers. ADR Services, Inc. has also written a set of rules to govern arbitrations carried out under their watch, and these rules encourage parties to understand the process and come prepared for anything the arbitration may throw at them. When alternative dispute resolution services are needed, ADR Services, Inc. is a trusted source for all these needs. ■

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