

# Alternative Dispute Resolution, explained by Oklahoma attorney Richard E. Smalley

*Alternative dispute resolution refers to dispute settlement outside of the courtroom. In a new article, Richard Smalley, Esq. explains in layman's terms.*

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/EINPresswire.com/ -- Are you stuck in a dispute, but do not want to get into the hassle of a court case? You should consider alternative dispute resolution. Alternative dispute resolution, or ADR, is an umbrella term used for methods of dispute settlement outside of the courtroom, with the help of a neutral third party.

Since ADR programs are more expeditious and less costly than court cases, they present viable alternative solutions for dispute settlement. Attorney [Richard Smalley](#), based in Oklahoma, has published a comment that reviews related issues. The complete article will be published on his Blog at <https://richardsmalleylawblog.family.blog/>



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ADR processes are a compelling alternative to court trials. They not only allow for quick settlement of disputes and are less costly, but also increase the chances of finding an acceptable solution”

*Richard Emory Smalley, III,  
attorney in Norman,  
Oklahoma*

In view of the increasing costs of lawsuits and the time it takes to settle a dispute through litigation, ADR programs present viable alternative solutions. They are not only more expeditious and less costly, but also allow for more creative solutions that may be outside the court's jurisdiction.

Unlike court cases, which are generally adversarial, ADR programs allow the disputing parties to better understand each other's position. As a result, they are more likely to collaborate and reach a mutually acceptable solution.

Alternative Dispute Resolution Methods

While there are many ways to settle disputes outside of the court, mediation and arbitration are the most commonly used methods.

What is Mediation?

Performed by a neutral third-party – a trained individual – mediation is an informal process to facilitate negotiations between the disputing parties and help them reach a consensus.

The role of the mediator is to help both the parties break the deadlock, explore their options and

find a mutually agreeable solution. For this, the mediator may talk to the involved parties together or separately. While mediators can facilitate the process by providing options for possible solutions or by guiding the disputants, they cannot enforce anything. Also, they have to stay impartial throughout the process. Although the ADR method can be used for all non-criminal cases, it is generally preferred when the disputing parties have some kind of a relationship between them and they do not want to ruin it.

Since a mediator can help the parties communicate without getting emotions involved, they are highly likely to reach consensus in nondestructive manners. Mediation can be a better choice than litigation in case of a dispute between business partners, family members, neighbors, landlords and tenants, and labor issues with the management. It has also been increasingly used for divorce cases and to settle issues related to child custody.

Since mediation is generally voluntary (it is mandatory in some jurisdictions) and non-binding, both the disputing parties should be willing to negotiate, cooperate, and/or compromise. Mediation will not be effective otherwise.

### What is Arbitration?

Arbitration is a simplified version of a court trial. Headed by a neutral individual or a panel, the process of arbitration involves hearing the claims of both sides, reviewing evidence, and then issuing a decision. Unlike mediation, the verdict issued by the arbitrator, called arbitral award, can be binding or non-binding.

In case of binding arbitration, the disputants lose their right to a court trial and have to accept the decision of the arbitrator. In non-binding arbitration, the disputing parties can go for court trial if the arbitrator's decision is unacceptable for them. While the process sounds like similar to court proceedings, arbitration gives more power to the disputants.



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In arbitration, the disputing parties mutually decide the guidelines of the process as well as choose the arbitrator. In cases where both the sides do not agree on one arbitrator, each party selects one person. The two arbitrators will then elect another individual. This is done to ensure neutrality of the decision maker. The disputants also have the choice to either hire lawyers to speak for them or they can choose to present their cases themselves. Arbitration hearings generally last for a few days to a week.



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#### Final Word

ADR processes are a compelling alternative to court trials. They not only allow for quick settlement of disputes and are less costly, but also increase the chances of finding a solution that is acceptable to both the disputing parties. While there are many different methods of alternative dispute resolution, such as case conferencing, neutral evaluation, parenting coordination, and conciliation, mediation and arbitration are most commonly used.

#### Richard Emory Smalley, III

Richard E. Smalley, III is an attorney in Norman, Oklahoma. He is an AV-rated trial attorney with more than 30 years' experience. Mr. Smalley focuses on family law matters, including divorce, custody, child support, divorce modifications, paternity, and guardianship. He is also experienced in probate matters and wills. The practice presently includes, trial work, divorce, post-divorce modifications, child support collection, child custody litigation, paternity, guardianship, adoption, probate and wills. Mr. Smalley has been appointed by judges and attorneys to serve as the Guardian ad Litem for children in dozens of contested child custody cases, and also serves as a mediator in family law cases.

#### References

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