

## **Information Sheet for Alternative Dispute Resolution Program**

Alternative Dispute Resolution, hereinafter “ADR,” is a process by which a third person, called a Neutral, facilitates agreement between other parties who are in conflict, and attempts to assist them in working out a solution that is fair, reasonable, and acceptable as a way to resolve the dispute. In ADR, the concern is not about who is at fault, but what can be done to settle the problem.

Domestic Relations ADR, therefore, is an effort to bring about an agreement between spouses concerning assets, liabilities, property, and if children are a part of the marriage, child support, maintenance, and custody.

All Neutrals have gone through training courses on conflict resolution and are registered by the Georgia Commission on Dispute Resolution.

Under the Southern Judicial Circuit ADR Rules, all parties in the ADR process shall be responsible for payment of the Neutral’s costs and fees, which shall be equally divided between the parties, unless; otherwise Ordered by the Presiding Judge.

ADR is usually just a one-time session and most last no more than three hours. Time length varies depending on the number of parties, their cooperation, and the complexity of the case.

Normal rules of evidence do not apply in ADR, so usually witnesses are not necessary at the ADR session. What has gone on in the past is not as important as what the parties, themselves, will do in the future to solve the problem. Written statements from witnesses, or other documentation, may be brought to the session. The neutral will decide if it is relevant.

Attorneys representing parties are welcome to be present at ADR sessions. The attorney’s presence is a decision for the client and the attorney to make. Should an attorney come to ADR, his or her role is to allow the party to do the talking on his or her own behalf, unless the client specifically requests the attorney to speak for him or her. ADR is not the time for discovery, depositions, motions, etc.

ADR sessions are confidential. Unless directed by the Neutral, no recording devices are permitted during the session. No information about the parties or their negotiations leaves the session. The only document leaving the session shall be a copy of a settlement memorandum, or a form letter to the Dispute Resolution Office stating no agreement was reached. Parties are encouraged to speak honestly without worry that their comments will be repeated by the neutral.

If the ADR session results in a satisfactory agreement that both parties feel is fair and equitable, the neutral puts the terms of the agreement into a settlement memorandum and asks both parties to sign said memorandum. The settlement memorandum shall be given to the parties' attorneys and said attorneys shall prepare a settlement agreement or Consent Order in proper legal form. The settlement agreement or Consent Order shall then be presented to the Presiding Judge for said Judge's signature. Said agreement or Order shall then be filed in the original case file in the office of the Clerk of Court. In essence, the parties leave the ADR session with a written contract regarding the outcome of their case. If no agreement is reached, the court is notified, and the parties are required to appear in court on their scheduled date.

The Judges of the Superior Court of the Southern Judicial Circuit believe ADR has several advantages over the traditional litigation process.

- (a) A "win-win" result, rather than the "win-lose" decision in an adversary court proceeding, is more beneficial to each side. If two parties can agree privately during an ADR session, they can avoid the confrontational proceeding in a traditional courtroom setting.
- (b) ADR is less costly than other options, especially litigation. It is cheaper for the parties, and for the Court, which is funded ultimately by the county's taxes.
- (c) Final settlements can usually be reached more quickly.
- (d) Since the process occurs in a private setting, a higher degree of confidentiality can be maintained. The less formal, more comfortable environment, facilitates an agreeable atmosphere.
- (e) Research suggests that people are more likely to follow through with an ADR solution in which they have had a greater degree of input, than with a Court imposed solution.

You have been Ordered to attend an ADR session. Failure to comply with a Court Order could result in your being subject to the sanctions of contempt, the imposition of costs and fees of the Neutral, and attorney fees. Either party may petition the Court, within ten days of this referral, to exempt this case from the ADR process.

Further information about ADR and the process following ADR will be available at the session.