

BASIC MODES OF DISPUTE RESOLUTION

There are 4 basic modes of dispute resolution available to parties when it comes to addressing their disputes:

Litigation

The most common mode of dispute resolution resorted to is civil litigation. In this, the plaintiff and defendant present their grievance and defense to a judge or judge and jury. The judge gives a verdict after weighing the evidence before the court. In most cases, the evidence becomes a part of the court record and thus public.

Arbitration

In arbitration, a neutral third party (or multiple, usually in odd number) serves as an adjudicator between the parties responsible for resolving the dispute. The arbitrator/s listens to each party present its case and evidence and then renders a binding decision. These decisions are confidential and in most cases, not appealable. The parties are at liberty to decide almost every aspect of the arbitration process. Arbitration is less time consuming than litigation.

Mediation

In mediation, a neutral third party helps the aggrieved parties to reach a consensus between themselves. A professional mediator works with the aggrieved parties, either together or separately to explore their interests together and work out a resolution which is voluntary, sustainable and not binding.

Conciliation

The “conciliator” is an impartial person that assists the parties by driving their negotiations and directing them towards a satisfactory agreement. Conciliation tries to articulate the optimal solution and direct parties towards a satisfactory and common agreement. The conciliator often develops and proposes the terms of settlement. In this regard, a conciliator differs from the role of a mediator. The mediator at all times maintains his or her neutrality and impartiality.