



Thomas M. Cooley Law Libraries' Research Guide Series

ALTERNATIVE DISPUTE RESOLUTION (ADR): A Selective Research Guide

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Overview:

This guide is selective and attempts to provide sources on the topic of alternative dispute resolution. It is not comprehensive in scope or intended to be a catchall source, but rather to act as a starting point for the researcher to find additional sources and relevant information. At its core, the guide attempts to lead the researcher to up-to-date items held by the Cooley libraries. Annotations provide brief descriptions and do not purport to serve as critiques or endorsements of the titles' contents or authority.

I. MICHIGAN RESOURCES

Michigan Compiled Laws Annotated

Location: KFM 4230 1948 .A44

This version of the Michigan Compiled Laws contains annotations, or references, to other sources of information, as well as summaries of court decisions. Cumulative annual pocket part supplements update both the law and the annotations. Consult the general index and select the appropriate subject heading, such as alternative dispute resolution or arbitration, which will refer you to one or more sections of law.

Michigan Compiled Laws Service

Location: KFM 4230 2001 .A43

This publication uses the official statute numbering system of the Michigan Compiled Laws. Annotations containing the following are included: statute history, notes, references and case notes.

II. FEDERAL RESOURCES

Code of Federal Regulations

Location: KF70 .A3

Divided into 50 titles by subject area, the Code of Federal Regulations is the codification of the general and permanent rules that are published in the Federal Register by the executive departments and agencies of the federal government. Access to this resource can be made online through CoolCat.



CRS Annotated Constitution

Location: <http://www.law.cornell.edu/anncon/>

Prepared by the Congressional Research Service (CRS) at the Library of Congress, this annotated constitution links to Supreme Court opinions, the U.S. Code, and the Code of Federal Regulations. Linked footnotes and a table of contents are also included.

United States Code

Location: **KF62 2000 .A2 2001**

The United States Code is the codification by subject matter of the general and permanent laws of the United States. It is divided by broad subjects into 50 titles, with 9 U.S.C. pertaining to Arbitration and 9 U.S.C. Chapter 2 pertaining to the Convention on Recognition and Enforcement of Foreign Arbitral Awards. Access to this resource can be made online through CoolCat.

United States Code Annotated

Location: **KF 62 1927 .W45**

The USCA contains everything that is printed in the U.S. Code but also includes annotations to case law relevant to the particular statute.

United States Code Service

Location: **KF62 1972 .L38**

The USCS contains everything that is printed in the U.S. Code but also includes annotations to case law relevant to the particular statute.

III. INTERNATIONAL RESOURCES

Arbitration Rules Issued by International Institutions

Location: **K2400 .A722**

This resource contains international commercial arbitration rules, as well as background information on how these rules came to be. It allows the reader to examine the rules in context, and provides a sample clause from an agreement, as well as a bibliography containing additional resources.

Comparison of International Arbitration Rules

Location: **K2400 .A35 S625 1999**

As the title suggests, this reference tool compares the provisions of the leading sets of international arbitration rules. It purports to be particularly useful in the following areas of international arbitration: assisting clients in selecting arbitration rules and drafting provisions of their international commercial contracts; when advising foreign governments in preparing their national legislation concerning international arbitration; assisting in the development of arguments on procedural issues when representing clients in international arbitration proceedings; and to facilitate the evaluation of particular provisions, as compared to comparable ones, by scholars, practitioners and the institutions themselves.

Freshfields Guide to Arbitration and ADR, Clauses in International Contracts

Location: **K2400 .F73 1999**



Offers clear-cut contract-drafting advice so that busy contract negotiators can draft provisions that will survive disputes, preserve transactions and foster long lasting confidence and trust among the parties.

International Arbitration Rules

Location: K2400 .I582 2000

International Arbitration Rules analyzes the objectives, purpose and meaning of the rules of the major arbitration institutions, noting the similarities and differences between each organization.

International Commercial Agreements: A Primer on Drafting, Negotiating and Resolving Disputes

Location: K1030.4 .F69 1998

This resource provides basic and precise information on setting up and performing international trade transactions, including international commercial arbitration. It also examines the range of procedures for the settlement of international disputes, as well as discussing other options of settlement, such as negotiation, mediation, fact-finding and judicial procedures.

Transnational Litigation and Commercial Arbitration: An Analysis of American, European and International Law.

Location: K7690 .L66 2003

A comparative study of European and American rules and procedures used in dispute resolution, which discusses the substance and procedure of transnational disputes; extraterritorial jurisdiction as exercised by the courts in cases brought against foreign defendants, evidence abroad, applicable laws, recognition of foreign judgments, enforcement of foreign judgments, and international arbitration.

The UNCITRAL Arbitration Rules: A Commentary

Location: K2400 .C39 2006

The author discusses and critiques the use and practice of the UNCITRAL Rules of Arbitral Procedure recommended for use in 1976 by the United Nations.

IV. CONVENTIONS AND TREATIES

NAFTA Chapter 20: Institutional Arrangements and Dispute Settlement Procedures

Location: <http://www.dfait-maeci.gc.ca/nafta-alena/settle-en.asp>

This website discusses dispute settlement under clear and well-established rules of NAFTA and the World Trade Organization.

UNCITRAL Texts: International Commercial Arbitration and Conciliation

Location: http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html

This website provides links to information pertaining to international commercial arbitration and conciliation topics, including the UNCITRAL Arbitration and Conciliation Rules.



V. TREATISES / HANDBOOKS/ FORMS RE: ARBITRATION

ADR Handbook for Judges

Location: KF9084 .A75 A37 2004

Written by judges, court administrators and scholars, this is a collection of lessons on using various ADR procedures in court.

Alternative Dispute Resolution

Location: KF9085 .R63 2005

This well respected and comprehensive resource examines the techniques, procedures, and the statutory/case laws involved in ADR. Its analysis assists readers in determining which ADR procedure is appropriate for which particular dispute. Also included are extensive citations to cases and secondary authorities to aid in research activities.

Alternative Dispute Resolution: The Litigator's Handbook

Location: KF9084 .A966 2000

This book discusses general ADR practices and provides checklists, practice tips and sample agreements.

Alternatives to Litigation: Mediation, Arbitration, and the Art of Dispute Resolution

Location: KF9084 .O73 2002

This resource explores the key concepts and terms associated with alternatives to dispute resolution, as well as the practical issues that need to be analyzed and mastered.

Arbitration Advocacy

Location: KF9085 .C643 2003

Arbitration Advocacy guides the reader through all types of arbitration settings and includes advice on how arbitration works; pre-hearing considerations; advocacy at the arbitration hearing; sample openings and closings; strategic considerations; and how to shape the process. In addition, "cyber-arbitration" is discussed, which examines the benefits and limitations of online dispute resolution, as well as discussing how to select a cyber-arbitration service and cyber-arbitrator.

Arbitrator's Handbook

Location: KF9085 .C644 2005

This handbook describes the stages, types, benefits and limitations of arbitration. In addition, the author defines and discusses the roles of the arbitrator, from authority figure through ethical considerations. Also included are checklists outlining what should be accomplished during the various stages of the arbitration process.

Comparison of International Arbitration Rules

Location: K2400.A35 S625 1999

A comparison of international arbitration rules pertaining to four distinct areas of international arbitration practice: assisting clients in selecting arbitration rules and drafting arbitration provisions; examining advice that might be provided to foreign governments in preparing national legislation; the development of procedural issues; and the evaluation of the effectiveness of particular international arbitration provisions.

Consumer Arbitration Agreements

Location: KF9084 .B53 2004



This resource provides case analyses and discusses ways to challenge an arbitration clause's enforceability, as well as how discovery, class actions and appeals relate to arbitration clauses.

Dispute Resolution: Beyond the Adversarial Model

Location: KF9084 .A75 D57 2005

Dispute Resolution: Beyond the Adversarial Model examines the current state of ADR, including the four key aspects of negotiation, mediation, arbitration, and hybrid dispute resolution processes: theoretical framework defining the process; skill needed to practice; ethical issues; and the legal policy and analysis pertaining to the process.

Dispute Resolution Ethics: a comprehensive guide

Location: KF9085 .D57 2002

This author provides guidance on various dispute resolution issues relating to ethics, including professional responsibility for clients, lawyers, and third-party neutrals.

Environmental Dispute Resolution: An Anthology of Practical Solutions

Location: KF3775 E4674 2002

This resource outlines the challenges of dispute resolution, provides a framework for analyzing disputes, as well as discussing the advantages of mediation and arbitration.

Guide to Judicial Management of Cases in ADR

Location: KF9084 .N539 2002

The author provides guidance on referring cases to ADR when practicing before federal trial and bankruptcy courts. It goes on to discuss the appropriate handling of cases referred to ADR and the various approaches that judges and parties may choose to follow, including the advantages and disadvantages of each approach. This book also informs readers about the trends and preferred approaches emerging in the field of ADR.

The Handbook of Dispute Resolution

Location: KF9084 .H36 2005

This publication has compiled a diverse collection of papers written by scholars in the dispute resolution field.

How Arbitration Works

Location: KF3424 .E53 2003

This resource analyzes how basic practice and procedure elements impact dispute resolution, collective bargaining, and other related issues. Selected chapters are devoted to federal, state and local arbitration issues. An analysis of how legislative regulations and judicial decisions impact arbitration issues is also included.

The Internet and Dispute Resolution: Untangling the Web

Location: K2400 .S68

An examination of how Online Dispute Resolution (ODR) works and the history of its evolution, including a discussion of legal issues raised by this trend, such as: jurisdiction; conflicts of law; e-commerce regulations; privacy; consumer protection; and security.



The Keys to Conflict Resolution

Location: KF9084 .K48 1999

Noted mediator Theodore Kheel discusses the art of persuasion and the techniques of compromise.

The Negotiator's Fieldbook

Location: KF9084 .A75 N436 2006

A comprehensive guide presents ideas from various schools of thought, including law, psychology, business, economics, and cultural studies to assist readers in obtaining successful negotiation results.

VI. TREATISES / HANDBOOKS/ FORMS RE: MEDIATION

The Art of Mediation

Location: KF9084 .B46 2005

Published by NITA (National Institute for Trial Advocacy), this resource describes the mediation process as well as other types of dispute resolution, defines key terms, and discusses the roles and functions of the mediators.

The Handbook of Dispute Resolution

Location: KF9084 .H36 2005

This cutting edge book contains practitioner-focused chapters that offer insights in how to understand disputants by exploring personality factors, emotions, identity concerns, perceptions, gender differences, cultural differences, and relationship dynamics.

Lane & Calkins Mediation Practice Guide

Location: KF9084 .A6 C34

This is a practical guide that discusses the various phases of mediation, including the roles of various participants. It also discusses strategies, the different types of mediation, structured settlements, and the Model Standards of Conduct, which regulates the actions of mediators.

Latino-Anglo Bargaining: Culture, Structure and Choice in Court Mediation

Location: KF9084 .R33 2006

A guide showing how cultural differences influence mediated negotiations, including the manner in which different cultures pursue monetary justice.

Mediating Legal Disputes: Effective Strategies for Lawyers and Mediators

Location: KF9084 .G647 1996

The authors discuss the barriers to a successful mediation and how to overcome them, as well as the advantages of mediation over litigation. In addition, the book includes the specific tactics used by neutral mediators in facilitating resolutions that are often unattainable by attorneys representing their clients.

Mediator's Handbook: Advanced Practice Guide for Civil Litigation

Location: KF9084 .C573 2006

This practical and systematic guide covers the range of mediation issues, from the basics to hybrid and non-mediation processes.



Mediation: Law, Policy & Practice**Location: KF9084 .R642**

This three volume treatise discusses all aspects of mediation and includes an appendix containing selected text of mediation legislation for each state.

Mediation Practice Guide: A Handbook for Resolving Business Disputes**Location: KF9084 .Z9 P53 2003**

This practical guide to mediation discusses the processes of mediation, arbitration and litigation, the suitability of a dispute for mediation, why mediation works or fails, strategies and techniques, preparation for mediation, as well as successful negotiating techniques.

Meditation: Practice, Policy and Ethics**Location: KF9084 . A7 M456 2006**

This resource provides current coverage of the world of mediation, including laws, policies, critiques, analytical and behavioral approaches to issues, as well as a discussion on the ethical and dilemmas in the field.

Mediation Representation**Location: KF9084 .A92 2010**

This resource offers a new methodology for how to use problem-solving advocacy to achieve your goals in mediation, as well as elaborating on how to be an effective negotiator.

VII. NUTSHELLS

Alternative Dispute Resolution in a Nutshell**Location: KF9084 .Z9 N65 2001**

This nutshell provides information on alternatives to dispute resolutions, including the variety of options available, such as negotiation, mediation, and arbitration.

Labor and Employment Arbitration in a Nutshell**Location: KF 3425 . N638 2007**

This book describes the origin, development, and practice of labor arbitration and focuses on the fundamentals of the labor arbitration process, as well as major arbitration law issues and their importance.

Legal Negotiation in a Nutshell**Location: KF 9084 .Z9 T46 2005**

The author discusses how negotiation is used in a law practice, as well as when representing a client in various types of legal negotiation. The author also describes the basic types of legal negotiations, case evaluations and preparation, as well as the types of legal disputes that should not be negotiated.

Mediation in a Nutshell**Location: KF 9084 .Z9 K68 2003**

This title examines this issues concerning mediation, including issues such as what it means to participate in mediation, confidentiality in mediation, the regulation of mediation, and the New Uniform Mediation Act. Each chapter contains a bibliography and list of leading cases on the subject.



VIII. JOURNALS

Dispute Resolution Journal

Location: K1 .R25

This widely recognized and authoritative source provides readers access to in-depth articles on the issues that arise in ADR, emerging techniques, and new applications of ADR processes in commercial and labor practice. Article authors and contributors are experts in the various areas of ADR, including international trade, business, commercial finance, labor relations, construction, the courts, insurance, employment, real estate, intellectual property, health care, computers and high tech. In addition, this journal covers: cutting-edge developments in ADR; Book Reviews; Court Decisions; and the Library and Information Center bibliography containing recent ADR articles and books.

Dispute Resolution Magazine

Location: KF9084 .A15 D575

The *Dispute Resolution Magazine* is published quarterly by the American Bar Association Section of Dispute Resolution. *Dispute Resolution Magazine* provides timely, insightful and resourceful information regarding the latest developments, news and trends in the growing field of dispute resolution throughout the world and features authors who are internationally-known scholars and practitioners.

IX. DATABASES ACCESSIBLE THROUGH COOLCAT

Westlaw

Many of the resources already noted are available full text to Cooley students through their Westlaw accounts. Westlaw has numerous databases dedicated exclusively to alternative dispute resolution. To access them as a topical book choose the Westlaw Research Tab; click on "Directory" at the top of the page; click "Topical Practice Areas"; click "Alternative Dispute Resolution." You will then have access to the following resources:

- Case Law
- Statutes and Legislative Materials
- Administrative Materials
- Alternative Dispute Resolution Directories
- Journals and Law Reviews
- Forms, Treatises and Other Practice Material
- Legal Newspapers, Newsletters, and Current Materials
- International Centre for Settlement of Investment Disputes
- International Chamber of Commerce
- International Commercial Arbitration
- Personnel Arbitration Multi-base
- United Nations Commission on International Trade Law
- United States of America International Commercial Arbitration



Lexis

Lexis also contains many of the alternative dispute resolution resources already noted above. To access them on Lexis, choose “Research System”; click on the “Legal” tab; choose “Area of Law – By Topic”; select “Alternative Dispute Resolution”. You will then have access to the following resources:

- Case Law
- Arbitration related Labor Cases
- Statutes
- Court Rules
- Regulations
- Administrative Materials
- ADR Rules and Procedures
- Arbitration Decisions and Awards
- News, Legal News and Information
- Journals, Law Reviews and other Analysis Items
- Forms and Drafting Instructions
- Access Directories

X. INTERNET RESOURCES

American Arbitration Association

Location: <http://www.adr.org/about>

The American Arbitration Association (AAA) indicates that they provide “services to individuals and corporations who wish to resolve conflicts out of court,” including the administration of cases from filing to closing. The AAA’s services include “assisting in the appointment of mediators and arbitrators, setting hearings, and providing users with information on dispute resolution options, including settlement through mediation.” The goal of the AAA is to “move cases through arbitration or mediation in a fair and impartial manner until completion.” This website also provides a link to resources pertaining to international ADR.

American Bar Association Alternative Dispute Resolution Committee

Location: <http://www.abanet.org/litigation/committees/adr/home.html>

According to its website, the ABA Alternative Dispute Resolution Committee is “concerned with developments and optimum use of all forms of alternative dispute resolution, including arbitration, mediation, summary jury trials, mini-trials, early neutral evaluation, as well as effective settlement and negotiation techniques. Alternative dispute resolution is considered both within the formal litigation process and pre-suit. The committee sponsors numerous programs to enhance the advocate’s skills in all dispute resolution procedures because knowledge of ADR techniques is particularly essential for trial lawyers.”

Association for Conflict Resolution

Location: www.acrnet.org

According to their website, the ACR is one of the largest resources in the field for information pertaining to conflict resolution.



Cornell Law School's Law By Topic

Location: http://topics.law.cornell.edu/wex/table_alternative_dispute_resolution

This resource provides access to online state statutes, including access by the topic of "alternative dispute resolution." Also included in the searchable database are selected state statutes.

Cornell Law School's Legal Information Institute WEX – ADR

Location: http://topics.law.cornell.edu/wex/alternative_dispute_resolution

WEX, a collaboratively-created public access law dictionary and legal encyclopedia, provides access to Alternative Dispute Resolution information, including an overview, as well as links to the following: federal constitution and statutes; federal judicial decisions; state statutes; state judicial decisions; international conventions and treaties; key Internet sources; and useful subscription sources.

CPR: International Institute for Conflict Prevention & Resolution

Location: <http://www.cpradr.org/>

Founded in 1979, this membership-based non-profit organization operates globally to promote excellence and innovation in public and private dispute resolution.

CR Info – The Conflict Resolution Information Source

Location: <http://www.crinfo.org/>

Based out of the University of Colorado, this is a cooperative effort providing free access to information pertaining to conflict resolution. According to the website, the information includes an online clearinghouse, in which there are over 25,000 peace and conflict resolution-related web pages, books, articles, audiovisual materials, organizational profiles, events, and current news articles.

Equal Employment Opportunity Commission – Mediation

Location: <http://www.eeoc.gov/employees/mediation.cfm>

The EEOC provides information about using mediation in employment disputes to reach a mutual agreement between parties.

FindLaw: Arbitration & Mediation

Location: <http://public.findlaw.com/adr/>

FindLaw provides access to articles, forms, links and other related resources (legal dictionary, message boards, FindLaw Library & Summaries of Law, Government Documents). It also has a section on Frequently Asked Questions regarding types of cases that can be mediated, length of mediation, the difference between mediation and arbitration, how to find a mediator, and whether or not a lawyer is needed during the mediation process.

Harvard Law School's Program on Negotiation

Location: <http://www.pon.harvard.edu/>

The Program on Negotiation (PON) is comprised of faculty, students and staff from Harvard University, Massachusetts Institute of Technology and Tufts University. Its mission is to provide a venue to encourage new thinking in negotiation theory and to provide a forum for discussion of ideas and practices. This website also provides access to various resources, such as training seminars; dispute resolution forums; information about research, education and publications; dispute resolution directory; as well as many additional resources.



Interagency Alternative Dispute Resolution Working Group

Location: <http://www.adr.gov/>

The homepage of the federal government's Alternative Dispute Resolution Working Group which coordinates, promotes and facilitates the use of ADR within the federal government pursuant to the Administrative Dispute Resolution Act of 1996 and a White House Presidential Memorandum.

International Chamber of Commerce Commission on Arbitration

Location: <http://www.iccwbo.org/policy/arbitration/id2882/index.html>

A forum for experts to obtain information on international arbitration, the settlement of international business disputes, and the legal/procedural aspects of arbitration.

LLRX – Law and Technology Resources for Legal Professionals

Location: <http://www.llrx.com/category/782>

Now in its 11th year, LLRX is a free and independent Web journal that provides access to international arbitration resources.

Michigan Compiled Laws

Location: <http://legislature.mi.gov/doc.aspx?chapterindex>

The Michigan Legislature website provides a searchable database for Michigan Compiled Laws.

National Institute for Advanced Conflict Resolution

Location: <http://www.niacr.org/>

The NIACR website contains resources on mediation training, reference books, how to locate a mediator, articles, as well as links to additional resources, including blogs.

Permanent Court of Arbitration – The Hague

Location: http://www.pca-cpa.org/showpage.asp?pag_id=363

The PCA is an “intergovernmental organization with over one hundred member states. Established in 1899 to facilitate arbitration and other forms of dispute resolution between states, the PCA has developed into a modern, multi-faceted arbitral institution that is now perfectly situated at the juncture between public and private international law to meet the rapidly evolving dispute resolution needs of the international community.”

United States Circuit Courts of Appeal

Location: <http://www.law.cornell.edu/usca/search/index.html>

Search for Circuit Courts of Appeal decisions on arbitration matters.

United States Code: United States GPO Website

Location: <http://www.gpoaccess.gov/uscode/index.html>

The United States Code is the codification by subject matter of the laws of the United States and is divided by subject into 50 titles.

United States Department of Justice Office of Dispute Resolution

Location: <http://www.usdoj.gov/odr/>



According to its website, the “mission of the Office of Dispute Resolution (ODR) is to promote and facilitate the broad and effective use of alternative dispute resolution (ADR) processes by the Department of Justice and throughout the Executive Branch of the federal government.” The ODR promotes and evaluates the use of ADR at the DOJ, and represents the “Department leadership with foreign governments and the private sector, and facilitating the effective use of ADR in litigation and other agency disputes.”

United States Supreme Court: Recent Decisions on Arbitration

Location: <http://www.law.cornell.edu/supct/search/index.html>

Recent Supreme Court decisions on arbitration matters can be located through the search function on this website.

XI. BLOGS/PODCASTS

ABA Journal – ADR blawg directory

Location: <http://www.abajournal.com/blawgs/topic/alternative+dispute+resolution/>

Lists over 40 specialty ADR blogs, including listings either alphabetically or by popular name.

National Institute for Advanced Conflict Resolution (NIACR)

Location: http://www.niacr.org/pages/blog/mediation_blog.htm

The “Annual Mediation Blog Roundup” lists NIACR’s top rated mediation blogs, as well as “Other Mediation Blogs of Note.”

Negotiation Tip of the Week

Location: <http://www.negotiationtip.com/>

Dr. Josh Weiss, from Harvard’s Global Negotiation Project, provides access to information on negotiation in this blog (Podcast format).

Online Guide to Mediation

Location: <http://mediationchannel.com/>

This blog discusses information news relating to mediation, negotiation, law and conflict management.

World Directory of ADR Blogs

Location: <http://adrblogs.com/>

Listing of world-wide blogs arranged alphabetically, by category or by country. A comprehensive list for the United States is included.

