

What is ADR?

ADR refers to a variety of processes, such as mediation, facilitation, and early neutral evaluation, that are used to resolve disputes in an informal setting. ADR is often used to avoid the cost and delay of more traditional processes such as litigation, hearings, and appeals.

Comments About the ADR Process

"Mediators were professional."

"Process helped to resolve issues at the lowest level."

"Found ADR more helpful than expected."

"Lines of communication were renewed."

"Able to see the other party's point of view."

"Gained awareness of behavior and tone."

Contact ORM for more information

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U.S. Department of Veterans Affairs



Office of Resolution Management (ORM)

Virtual ADR

Another Way to Mediate

Leveraging Technology in Alternative Dispute Resolution



1. What is virtual ADR?

We usually think of alternative dispute resolution (ADR) taking place in person with those in a dispute seated at a table with a third party neutral. Other options such as telephone and video-teleconference (VTC) are available.

ORM uses telephonic or VTC conferencing products to provide ADR services virtually.

2. Why consider virtual ADR as an alternative to in-person ADR?

It is not always possible or appropriate to schedule a face-to-face mediation. Sometimes the parties are in different locations, there may be financial restrictions, individual schedules may conflict, and sometimes it is best for parties in conflict not to be in the same room.

3. What are the advantages to using virtual ADR technology for mediation?

- Permits ORM to assign skilled ADR neutrals to deliver timely mediation services (prompt scheduling is often available).
- Provides the same level of quality ADR service as in-person sessions.
- Accommodates the needs of the parties, while reducing the need for travel by the participants and mediator to a central location.

4. How does the virtual ADR process differ from traditional ADR?

Telephonic and VTC mediations are handled in the same way as in-person mediations with opening remarks by the neutral, a joint session, and possibly caucuses while the parties remain in a location convenient to them. Any ADR documents are easily shared by e-mail or fax using secure processes, including use of encryption to ensure confidentiality.

Virtual ADR via Telephone. The most obvious difference between telephonic virtual ADR and in-person mediation is the nature of the interaction that takes place between the parties. The parties cannot sit across the table and look each other in the eye as they can with in-person mediation or VTC. The ability to observe non-verbal cues (facial expressions, gestures, or general body language) is lost. However, the absence of non-verbal cues forces the parties to focus on *what* is being said rather than on *how* it is being said. During telephonic ADR, non-verbal cues do not distract the parties from the information that is shared.

Virtual ADR via VTC. Virtual ADR mediations conducted by VTC are very similar to in-person ADR. The parties and neutral can see each other while discussing the issues and resolution options.

It is important for the parties to understand that confidentiality of virtual mediations is maintained at the same level as in-person sessions. The ADR neutral does not retain any notes related to the mediation and the parties are bound by the signed Agreement to Mediate and Confidentiality document.

If the virtual ADR session results in a written settlement agreement, the VA neutral will discuss the process for drafting and completing the agreement, based on local facility policy. The VA neutral will work with the local ADR Program Manager to provide the settlement agreement for agency review and signatures.

5. Do outcomes differ when virtual ADR is used?

Virtual ADR outcomes are comparable to face-to-face ADR. Regardless of the outcome, the parties will have an opportunity to provide feedback on the ADR session. ORM appreciates all feedback so that the process can be refined and improved.