I. Introduction

1. Alternative Dispute Resolution Defined

Definition of alternative dispute resolution. There is no universally approved definition of alternative dispute resolution (“ADR”). ADR is commonly used as a term describing means of resolving disputes outside of traditional litigation processes. This text discusses a number of such alternative dispute resolution methodologies such as arbitration, mediation, conciliation, expert determination, dispute review and advisory boards and ombudspersons. Alternative dispute resolution is sometimes defined to exclude processes which result in imposed, binding decisions, thus implicitly excluding arbitration.1 In this text, however, both domestic and international arbitration are discussed as part of ADR because they are traditionally understood to be a core part of ADR in practice in Canada. Community and faith-based dispute resolution models are also discussed to the extent that they have received judicial or legislative attention. Processes within the court system are discussed where they incorporate aspects of alternative dispute resolution, such as court-annexed mediation and settlement and pre-trial conferences.

Supplemental Readings

- **Alternative Dispute Resolution Law**
  - The Law of ADR in Canada – An Introductory Guide (Glaholt and Rotterdam)
  - Bypass Court – A Dispute Resolution Handbook, 4th Edition (Chornenki and Hart)

- **General**
  - Understanding Lawyers’ Ethics in Canada (Woolley)
  - Lawyers’ Ethics and Professional Regulation, 2nd Edition (Woolley, Cotter, Devlin and Law)

Notes