

Alternative Dispute Resolution Department Mission Statement:

To provide arbitration, mediation and business mediation services to the Court, plaintiffs and defendants interested in using alternative methods of dispute resolution to effectively resolve litigation. It is the policy of the Court to encourage the use of Alternative Dispute Resolution (“ADR”) methods per Local Rule 21.2. In keeping with this policy, the court has developed and administers several ADR methods.

The ADR methods are:

- Arbitration
- Mediation
- Mediation after Arbitration
- Business Mediation
- Foreclosure Mediation

Why A.D.R.?

- ADR promotes settlement
- ADR is more cost-effective for taxpayers and litigants than trial
- ADR helps expedite the resolution of cases
- ADR provides an opportunity for litigants to be heard and participate in the proceedings, providing greater litigant satisfaction
- ADR allows for the opportunity for creative solutions to resolve disputes.

Arbitration:

Arbitration is a formal process in which a panel of attorneys hears evidence and renders an opinion, which could be binding or non-binding. Implemented in May of 1970, it was one of the pioneer programs in the United States. Since 1970, almost 70,000 cases have been referred to arbitration.

Arbitrations are conducted pursuant to Local Rule 29. The arbitration process is typically used for cases where the actual amount in controversy, exclusive of interest and costs, is \$50,000 or less per claimant. The parties may agree to submit cases to Arbitration where the amount in controversy exceeds \$50,000 per claimant.

A case may be referred to Arbitration at the request of the parties or an order of the Court. An arbitration award is not binding upon the parties unless agreed upon prior to referral. After an arbitration is held, the panel issues a Report and Award which becomes a final judgment in 30 days unless an Appeal is filed. An Appealed case is returned to the court.

Mediation:

The mediation program for Cuyahoga County originated in 1989 and has increased in popularity over the course of that time. The average settlement rate for cases mediated since 1989 is 48%.

A mediation is conducted by an impartial third party. Both parties and their representatives are present. The conference is confidential and generally informal. The mediator attempts to help the parties reach a mutually acceptable solution through group discussion and separate caucuses. The goal is to have the parties generate their own solutions to resolving their dispute. Unlike an arbitration

panel, the mediator is not a fact finder and has no power to impose a solution on the parties.

A case may be referred to Mediation at the request of the parties or an order of the Court. All the cases that are referred to arbitration are screened by the court mediator and if mediation is appropriate the case is scheduled for a mediation.

The ADR Department also conducts mediations for Arbitration cases that have been appealed - this is the Appeal mediation program. These mediations are conducted in a similar manner to the pre-arbitration mediations described above. Sometimes the parties are in a better position to talk settlement after they have received an arbitration decision.

Business Mediation:

This program was implemented in July of 1996. Each year has seen an increase in the demand for business mediations.

This program is conducted pursuant to Local Rule 21.2(e) and is for any business case. The Department maintains a list of qualified business mediators. This list of mediators includes former Cuyahoga County Common Pleas Judges as well as highly regarded attorneys who have been practicing law in the business filed for at least twelve years.

The ADR Administrator provides the parties with three names of mediators and the parties rank their selection. The mediator meets with the parties in an attempt to facilitate a settlement. At the conclusion of the mediation conference the mediator files a Mediation Report with the ADR Administrator and the assigned Judge. The entire process is confidential.

A case may be referred to Business Mediation at the request of the parties or an order of the Court.

Foreclosure Mediation:

The newest method of ADR offered by the department is Foreclosure Mediation. This program was implemented in June 2008. Already the department has seen an overwhelming response to the program. Andrea R. Kinast is the the program director.

This program is conducted pursuant to Local Rule 21.2(e) and is for foreclosure cases only. The program is not intended for foreclosure cases involving commercial properties. Parties in foreclosure actions can request mediation by filling out a request for mediation and returning it to the ADR Department, or the Magistrate handling the case can directly refer the case to mediation.

Once a case is determined to be suitable for mediation, a pre-mediation conference is set. At this time, both parties are given questionnaires to fill out and return to the ADR Department before the mediation is held. Once the questionnaires and supporting documents have been returned to the court, the mediation is set. Both the property owner and a representative of the Plaintiff must appear in person, or sanctions, including dismissal of the action, may be imposed.

The mediator meets with the parties in an attempt to facilitate a settlement. At the conclusion of the mediation conference the mediator files a Mediation report with the ADR Administrator and the assigned Magistrate. The entire process is confidential. If the case does not settle, it is returned to the Foreclosure docket for further proceedings

To learn more about the program [click here](#)

What type of cases are suitable for A.D.R.?

- personal injury claims
- motor vehicle accidents
- property damage
- contract disputes
- employment disputes
- product liability
- legal malpractice
- medical malpractice
- real estate claims
- general business claims
- premises liability claims

Where Is A.D.R.?

The ADR Department is located on the 4th floor of the Justice Center, adjacent to the Cafeteria.

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