



CPR

Dispute Resolution

B2B DISPUTE RESOLUTION PLANNING



DISPUTE RESOLUTION PLANNING

CPR is launching a limited pilot project, where parties to a business-to-business dispute will be offered *free of charge* the chance to work with an impartial and independent process design facilitator (a “Facilitator”) to plan out and design the most efficient dispute resolution process based on the parties’ needs, interests, and the nature of their dispute.

- This program can be deployed early in the dispute or even after the dispute has advanced quite far, but where the parties want to reconsider their options.

WHY USE DISPUTE RESOLUTION PLANNING?

When a dispute arises, many parties have not fully considered their options on how best to resolve their dispute or what their procedural needs are.

- Contracts/ADR clauses are drafted well before any disputes
- Disputes cannot fully be anticipated ahead of time
- Newer factors may play into the parties' needs for resolution (e.g. costs, relationship)
- Parties may not be aware of all of the different ADR options available to them

“Appropriate Dispute Resolution” Options

Source: J. Kalowski, JOK Consulting

**Least Evaluative
Least Structured
Least Formal**



**Most Evaluative
Most Structured
Most Formal**

NEGOTIATION

“MEDIATION”

EARLY NEUTRAL EVALUATION

“CONCILIATION”

EXPERT DETERMINATION

ARBITRATION

LITIGATION



**Consensual
Partners in control**



**Adversarial
Third party in control**

Who Are Process Design Facilitators?

THE PROCESS DESIGN FACILITATOR ADDS EXPERT GUIDANCE

The Facilitator will be a neutral who is experienced in a wide range of dispute resolution processes and will work in confidence with the parties to plan a process to optimize the prospects for resolution.

- Expert in a wide range of different types of ADR processes
- Understands party dynamics and can work with both sides
- Dedicated to identifying the best path forward
- Maintains a confidential process

The Facilitator will invest a total of four (4) hours *at no charge* as part of this pilot project, pursuing a series of steps to assist the parties in planning their own process.

1. The Facilitator will conduct diagnostic interviews with each party using tools designed to ascertain their imperatives for resolution. The Facilitator will focus on six (6) key drivers that are critical to designing an effective process to reach resolution: the nature of the dispute, costs and budgets, timing and deadlines, party relationships, party autonomy, and enforceability.
2. The Facilitator will organize a joint conference to assist the parties in planning the custom dispute resolution process that takes into consideration the information collected in the diagnostic interviews.

The goal is to help the parties to develop a plan for their dispute resolution process that is best suited to resolve their specific dispute.

SUBMIT A REQUEST FOR B2B DISPUTE RESOLUTION PLANNING

1. Parties can sign up by submitting an intake form to CPR via CPRNeutrals@cpradr.org
2. A CPR case manager will be assigned to appoint the Facilitator and remain on hand to assist
3. CPR and the Facilitator will reach out to the parties to schedule their planning sessions

For more information and to download the intake form, visit:

www.cpradr.org/b2bplanning

How CPR Supports Your Planning Process

CPR SUPPORT

Should the parties wish to include ADR processes as part of their B2B Dispute Resolution Plan, parties may choose to submit those processes for administration by CPR Dispute Resolution.

CPR Dispute Resolution is a boutique provider of arbitration, mediation and other dispute resolution and management services. CPR has rules, procedures, and protocols to administer a spectrum of ADR services. Those materials are generated by CPR's think tank, the CPR Institute, and informed by end-users who are on the front lines of dispute resolution.

Our Panel of Distinguished Neutrals are dispute resolution professionals who are particularly qualified to resolve all business disputes, including expertise in more than 30 practice areas and specialty panels. The matter management team are all attorneys who understand ADR, having managed matters across the globe and in over 20 subject areas.