

ITEM 5.2: LITERATURE REVIEW – ALTERNATIVE DISPUTE RESOLUTION METHODS

Purpose

1. To update the Committee on the preparation of a literature review on the use of alternative dispute resolution (ADR) in the Scottish civil courts.

Background

2. At the last meeting of the Access to Justice Committee (on 16 December 2013), the Committee instructed the Secretariat to carry out *“a literature review of materials available in respect of arrangements for party litigants and the information available to them, the arrangements for lay representation and support and the use of ADR in Scotland and other similar jurisdictions. It was also thought that it would be helpful to include information on case management.”*

Discussion

3. It is the intention of the Secretariat to provide a draft literature review on ADR for the Committee’s next meeting, incorporating information from **papers 5.2A** and **5.2B**. **Paper 5.2A** is a Scottish Government literature review of international approaches to ADR. **Paper 5.2B** is a scoping study, conducted by the Scottish Legal Aid Board, into the range of existing ADR mechanisms available in Scotland and issues raised. Members may wish to express initial views on **papers 5.2A** and **5.2B** pending preparation of the literature review.

Recommendations

4. Members are invited to:
 - a. note that the literature review on ADR will be prepared for the next meeting of the Committee; and
 - b. express any views on papers 5.2A and 5.2B.

Scottish Civil Justice Council – Secretariat

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