

ITEM 5.2: LITERATURE REVIEW – ALTERNATIVE DISPUTE RESOLUTION

METHODS

Purpose

1. To provide the committee with a revised draft of a literature review covering alternative dispute resolution methods (ADR) (“the literature review”).
2. To seek members’ initial views on the direction of the Committee’s work in light of the literature review findings and its remit.

Discussion

3. **Paper 5.2A** is a revised literature review covering alternative dispute resolution methods (ADR) in Scotland and other jurisdictions.
4. **Subject to any further comments, members are invited to note the progress of the literature review and provide feedback in relation to its content.** In particular, members are invited to comment on any areas of the review that could be expanded on in greater detail and if there are any areas that the review has not covered.
5. Two reports provided by the Scottish Legal Aid Board on ADR are referred to in the literature review and were provided to members at the last meeting. It is anticipated that web links will soon be available for these reports.
6. The Committee’s remit includes “reviewing the arrangements for the use of Alternative Dispute Resolution methods within the civil justice system, including any outwith the Scottish civil courts”.

7. **The Committee is now invited to consider next steps in relation to the review. Subject to members' views, the Secretariat will develop a position paper for the Committee's consideration, in due course.**
8. In order to aid discussion, members may wish to consider the following matters:
 - a. Whether there are opportunities to improve guidance and information available to court users on ADR.
 - b. What types of cases are suitable for ADR.
 - c. The role of the judiciary in facilitating early settlement by promoting ADR, including in relation to:
 - i. The introduction of summary sheriffs and the new simple procedure; and
 - ii. case management generally.

Recommendations

9. **That members:**
 - a) **consider the revised draft of the literature review subject to any further comments**
 - b) **provide initial views on matters arising; and**
 - c) **consider next steps in relation to the review, as outlined at para. 8.**

Scottish Civil Justice Council - Secretariat

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