

# ADR REFERRAL DATA SHEET

The Interior Board of Land Appeals (IBLA) encourages the use of Alternative Dispute Resolution (ADR) methods to resolve some types of appeals filed with the Board.

## **What is ADR?**

ADR involves the use of various methods that allow the parties to resolve issues themselves outside the normal administrative appeals process. Those voluntary methods are confidential to the extent allowed by law and include:

### **Direct Negotiation**

In direct negotiation, the parties get together to talk and try to reach an agreement that meets their common needs on some matter of common interest. Direct negotiation is typically private, with little or no third-party involvement, and the parties determine the outcome rather than a judge or other outside decision-maker.

### **Assisted Negotiation (Mediation)**

In assisted negotiation or mediation, a trained, neutral third party (the mediator) assists the parties in reaching a mutually agreeable resolution of their dispute by helping the parties talk to each other, identify their interests, develop and explore alternative solutions, and decide on the best solution. The parties remain responsible for negotiating a settlement, and the mediator does not decide the issues or impose any solution. Mediation can be useful when the parties have reached a dead end in direct negotiations.

### **Joint Fact-finding**

In joint fact-finding, a trained, neutral third party chosen by the parties receives information and listens to arguments from the parties to a factual or technical disagreement, may investigate the issues in dispute himself or herself, and then reports to the parties with findings of fact and perhaps recommendations based on those findings. The fact-finding process is informal, and the neutral's recommendations are non-binding (unless the parties agree otherwise). The parties typically use the findings and recommendations to help resolve their dispute, through either direct or assisted negotiation.

## **How does IBLA identify cases for ADR?**

For more information on these processes, please contact the Department of the Interior's Office of Collaborative Action and Dispute Resolution (CADR) at (202) 327-5383, or by email at [CADR@ios.doi.gov](mailto:CADR@ios.doi.gov).