

Alternative Dispute Resolution in Real Estate Markets

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SUMMARY

The potential for conflict exists in every business relationship where contractual agreements are made. This is especially true in the area of land and real estate commerce.

Disputes involving commercial leases, land use regulations, eminent domain proceedings, adverse possession, environmental sensitivities, construction contracts, title and easement questions, system failures and condominium rights, among other causes, are ideal for the application of alternative dispute resolution (ADR). Mediation is an informal confidential and structured process whereby a trained neutral, called a mediator, acts to encourage and facilitate the resolution of a disputes between two or more parties.

This paper will discuss the theories of mediation, its definition, principles and the mediation process as conducted in the United States. Other forms of ADR, arbitration and case evaluation will be mentioned in their contrast to the mediation process.