

**ROLE OF GENERAL COUNSEL ATTORNEYS
IN
ALTERNATIVE DISPUTE RESOLUTION**

1. PURPOSE. The purpose of this Directive is to provide direction to Office of General Counsel (OGC) attorneys concerning the use of Alternative Dispute Resolution (ADR) processes.

2. POLICY

a. Every attorney must consider utilizing ADR techniques with a particular emphasis on mediation in every controversy or dispute involving two or more individuals.

b. OGC attorneys will promote and, as requested, assist client facilities in establishing ADR programs and in providing training to VA employees. OGC attorneys may, consistent with the guidance set forth in GC Handbook 8001, Alternative Dispute Resolution Program for Office of General Counsel, serve as mediators.

3. RESPONSIBILITIES

a. **Assistant General Counsel and Regional Counsel.** These officials are responsible for approving the use of OGC attorneys in assisting in the establishment of VA ADR programs, conducting training for VA employees in ADR processes, and, consistent with the guidance found in GC Handbook 8001, Alternative Dispute Resolution Program for Office of General Counsel, serving as mediators.

b. **Attorneys.** Every attorney must consider utilizing ADR techniques with a particular emphasis on mediation in every controversy or dispute involving two or more individuals. In analyzing whether a dispute is appropriate for mediation, the general considerations set forth in GC Handbook 8001, Alternative Dispute Resolution Program for Office of General Counsel, should be kept in mind.

4. REFERENCES

a. Alternative Dispute Resolution Act of 1990, Pub. L. 101-522, as amended by Pub. L. 102-354

b. Executive Order 12988, "Civil Justice Reform."

c. The Administrative Dispute Resolution Act of 1996, Pub. L. 104-320

d. 29 CFR Part 1614

5. DEFINITIONS

a. **Alternative Dispute Resolution** is any procedure that disputing parties agree to use other than a formal adjudication. These include, but are not limited to, mediation, early neutral evaluation, minitrial, summary trial, arbitration, neutral fact-finding, settlement judge, or any combination thereof.

b. **Mediation** is a voluntary and informal process in which the disputing parties select a neutral third part to assist them in reaching a resolution of their dispute. The mediator has no power to impose a solution on the parties but rather provides facilitation in reaching an agreement acceptable to the parties.