



neutral third party

What is a Neutral Third Party?

When parties are embroiled in a dispute, a neutral third party can help them come to an agreement through alternative dispute resolution methods.

There are two basic types of alternative dispute resolution, or ADR: Mediation and arbitration (and sometimes a combination called med-arb).

In mediation, a neutral third party tries to help disputants come to a consensus on their own. Rather than imposing a solution, a professional mediator seeks to assist the conflicting sides in exploring the interests underlying their positions. Working with parties together and sometimes separately, mediators try to help them hammer out a resolution that is sustainable, voluntary, and non-binding.

In arbitration, a neutral third party serves as a judge who is responsible for resolving the dispute. The arbitrator listens as each side argues its case and presents relevant evidence, then renders a binding decision.

In either case, a neutral third party can help us look past our “rights,” and focus on interests—the needs, desires, or concerns that underlie each side’s positions. If someone asks you why a dispute is important to you, your answer will reveal your interests.

How?

A good interest-based mediator will be a fast learner, capable of quickly picking up the technical knowledge necessary to discuss the problem. More important, an interest-based mediator doesn’t need to fully understand the technical aspects of a problem to assess why the dispute is important to each party and which solutions each party might accept.


By beginning with this knowledge and eventually exchanging settlement proposals, a neutral third party can help parties resolve the most complex problems.

To learn more, and discover the techniques you need to resolve your disputes through mediation, download this free report, *Mediation Secrets for Better Business Negotiations: Top Techniques from Mediation Training Experts*, from the Program on Negotiation at Harvard Law School.

The following items are tagged neutral third party:


7 Tips for Closing the Deal in Negotiations

POSTED APRIL 8TH, 2025 BY KATIE SHONK & FILED UNDER DEALMAKING.

“ABC: Always Be Closing.” That’s the sales strategy that actor Alec Baldwin’s character Blake shared in the 1992 film *Glengarry Glen Ross* as he tried to motivate a group of real estate salesmen. In his verbally abusive, profanity-laced speech, Blake presented a ruthless model of closing a business deal that ignores customers’ needs and cuts ... [READ 7 TIPS FOR CLOSING THE DEAL IN NEGOTIATIONS](#) 


Make the Most of Online Negotiations

POSTED SEPTEMBER 14TH, 2020 BY PON STAFF & FILED UNDER FREE REPORT.

We said goodbye to breakfast meetings, client lunches, and after-work happy hours. Goodbye to handshakes, fist bumps, and pats on the back. Goodbye to the boots-on-the-ground sales game as we knew it, and hello to Zoom calls and text messaging. To make matters even more difficult, the economy started to trend downwards—and so did the ... [READ MAKE THE MOST OF ONLINE NEGOTIATIONS](#) 


How Does Mediation Work in a Lawsuit?

POSTED APRIL 1ST, 2025 BY PON STAFF & FILED UNDER DEALMAKING.

No one likes to go to court. Not only is it expensive and time-consuming, but it often leads to frustrating results and damaged relationships. So, how does mediation work in a lawsuit and is legal mediation a better route? ... [READ HOW DOES MEDIATION WORK IN A LAWSUIT?](#) 


In Contract Negotiations, Agree on How You’ll Disagree

POSTED MARCH 20TH, 2025 BY KATIE SHONK & FILED UNDER DISPUTE RESOLUTION.

During the course of a complex negotiation, the last thing we want to think about is the possibility that a serious disagreement or contract breach will arise during the implementation stage. Yet we also know that such conflicts are common. ... [READ MORE](#) 


Undecided on Your Dispute Resolution Process? Combine Mediation and Arbitration, Known as Med-Arb

POSTED MARCH 17TH, 2025 BY PON STAFF & FILED UNDER MEDIATION.

The choice: arbitration vs. mediation. You’re not sure which of two common dispute resolution processes, mediation or arbitration, to use to resolve your conflict. Mediation is appealing because it would allow you to reach a collaborative settlement, but you’re worried it could end in impasse. You know that arbitration would wrap up your dispute resolution ... [READ MORE](#) 


What is Med-Arb?

POSTED MARCH 13TH, 2025 BY KATIE SHONK & FILED UNDER MEDIATION.

When parties find themselves involved in a serious conflict, they often try to avoid the expense and hassle of litigation by turning to one of the two most common alternative dispute resolution processes: mediation or arbitration. Disputants who are concerned about these drawbacks might want to consider a hybrid mediation-arbitration approach called med-arb. ... **READ WHAT IS MED-ARB?** 


Why is Negotiation Important: Mediation in Transactional Negotiations

POSTED MARCH 10TH, 2025 BY PON STAFF & FILED UNDER MEDIATION.

We generally think of mediation as a dispute-resolution device. Federal mediators intervene when collective bargaining breaks down. Diplomats are sometimes called in to mediate conflicts between nations. So-called multi-door courthouses encourage litigants to mediate before incurring the costs – and risks – of going to trial. ... **READ MORE** 


What is Alternative Dispute Resolution?

POSTED FEBRUARY 27TH, 2025 BY KATIE SHONK & FILED UNDER DISPUTE RESOLUTION.

So, you're stuck in a serious dispute, but you're desperate to avoid the hassle and expense of a court case. You've heard about alternative dispute resolution but are not sure what it entails. ... **READ WHAT IS ALTERNATIVE DISPUTE RESOLUTION?** 


Top Ten Posts About Conflict Resolution

POSTED FEBRUARY 27TH, 2025 BY PON STAFF & FILED UNDER CONFLICT RESOLUTION.

Conflict resolution is the process of resolving a dispute or a conflict by meeting at least some of each side's needs and addressing their interests. Conflict resolution sometimes requires both a power-based and an interest-based approach, such as the simultaneous pursuit of litigation (the use of legal power) and negotiation (attempts to reconcile each party's ... **READ TOP TEN POSTS ABOUT CONFLICT RESOLUTION** 


Types of Conflict in Business Negotiation—and How to Avoid Them

POSTED FEBRUARY 24TH, 2025 BY RUTH COLLINS & FILED UNDER CONFLICT RESOLUTION.

Conflict in business negotiation is common, but it doesn't have to be that way. There are steps we can take to avoid types of conflict and misunderstandings. Often, it helps to analyze the unique causes of conflict in particular negotiation situations. Here, we look at three frequent types of conflict in business negotiations and offer ... **READ MORE** 


Choose the Right Dispute Resolution Process

POSTED FEBRUARY 20TH, 2025 BY KATIE SHONK & FILED UNDER DISPUTE RESOLUTION.

What is dispute resolution? There are three basic types of dispute resolution, each with its pros and cons. The first two, mediation and arbitration, are considered types of alternative dispute resolution because they are an alternative to litigation. ... **READ CHOOSE THE RIGHT DISPUTE RESOLUTION PROCESS** 


Madeleine Albright's Ways to Avoid Conflict In Negotiation: First, Put Yourself In Their Shoes

POSTED FEBRUARY 18TH, 2025 BY PON STAFF & FILED UNDER CONFLICT RESOLUTION.

When parties can trade on their preferences across different issues, they reduce the need to haggle over price and percentages. But are there ways to avoid conflict in other types of negotiation? ... [READ MORE](#) 


Types of Mediation: Choose the Type Best Suited to Your Conflict

POSTED FEBRUARY 6TH, 2025 BY KATIE SHONK & FILED UNDER MEDIATION.

When parties involved in a serious conflict want to avoid a court battle, there are types of mediation can be an effective alternative. In mediation, a trained mediator tries to help the parties find common ground using principles of collaborative, mutual-gains negotiation. We tend to think mediation processes are all alike, but in fact, mediators ... [READ MORE](#) 


Prompting Peace Negotiations

POSTED JANUARY 29TH, 2025 BY KATIE SHONK & FILED UNDER INTERNATIONAL NEGOTIATION.

When armed conflict breaks out, observers often quickly raise the prospect of a diplomatic solution. Yet many wars drag on for years, even as the possibility of peace negotiations seems to dim. As Russia's war on Ukraine reaches the two-year mark, many U.S. and European governments are eager to try to mediate an end to ... [READ PROMPTING PEACE NEGOTIATIONS](#) 


Mediation Training: What Can You Expect?

POSTED JANUARY 23RD, 2025 BY KATIE SHONK & FILED UNDER MEDIATION.

Organizations have long recognized the value of hiring professional mediators to help resolve disputes. More and more, managers have begun to also see value in securing mediation training for themselves and their employees. Although there are times when the services of an unbiased, professional mediator are needed, there may also be instances in which employees ... [READ MEDIATION TRAINING: WHAT CAN YOU EXPECT?](#) 


Mandated Mediation: What to Expect

POSTED JANUARY 9TH, 2025 BY KATIE SHONK & FILED UNDER MEDIATION.

Business contracts, as well as the courts, often compel parties to a dispute to engage in mandated mediation. What is mandated mediation, and what can you expect from the process? ... [READ MANDATED MEDIATION: WHAT TO EXPECT](#) 


How Fast-Food Workers Used Alternative Dispute Resolution (ADR) to Demand Higher Wages

POSTED JANUARY 8TH, 2025 BY PON STAFF & FILED UNDER DISPUTE RESOLUTION.

Labor unions are the most obvious example of negotiating coalitions. If an individual employee made demands of its employer, the company could threaten to hire someone else. ... [READ MORE](#) 


Using Principled Negotiation to Resolve Disagreements

POSTED JANUARY 7TH, 2025 BY KATIE SHONK & FILED UNDER DISPUTE RESOLUTION.

Parties can often reach a better agreement through integrative negotiation—that is, by identifying interests where they have different preferences and making tradeoffs among them. If you care more about what movie you see tonight, but your friend cares more about where you have dinner, for example, you can each get your preference on the issue ... [READ MORE](#) 


What are the Three Basic Types of Dispute Resolution? What to Know About Mediation, Arbitration, and Litigation

POSTED DECEMBER 26TH, 2024 BY PON STAFF & FILED UNDER DISPUTE RESOLUTION.

When it comes to dispute resolution, there are so many choices available to us. Understandably, disputants are often confused about which process to apply to their situation. This article offers some guidance. ... [READ MORE](#) 


What is Conflict Resolution, and How Does It Work?

POSTED DECEMBER 25TH, 2024 BY KATIE SHONK & FILED UNDER CONFLICT RESOLUTION.

If you work with others, sooner or later you will almost inevitably face the need for conflict resolution. You may need to mediate a dispute between two members of your department. Or you may find yourself angered by something a colleague reportedly said about you in a meeting. Or you may need to engage in ... [READ MORE](#) 


Setting Standards in Negotiations

POSTED DECEMBER 25TH, 2024 BY PON STAFF & FILED UNDER SALARY NEGOTIATIONS.

As the starting point from which all commercial transactions occur, from purchasing equipment to setting salaries, negotiations in business is an essential skill no matter what field a negotiator finds herself. Using an objective standard can strengthen your proposal and eliminate emotional bias. ... [READ SETTING STANDARDS IN NEGOTIATIONS](#) 


Negotiation Challenges for Family Business Relationships

POSTED JANUARY 24TH, 2023 BY PON STAFF & FILED UNDER NEGOTIATION SKILLS.

Communication in business negotiations is important – but even more so when your counterparts and negotiating partners are family members. In this article drawn from negotiation research, the negotiation strategies for avoiding conflict and crafting win-win negotiated agreements are outlined. ... [READ MORE](#) 


A Negotiation Impasse Between England and France Leads to Skirmish Over Scallops

POSTED SEPTEMBER 15TH, 2022 BY PON STAFF & FILED UNDER DISPUTE RESOLUTION.

When parties are fighting for scarce resources, disputes can become intense. Negotiation is often the answer, but agreements may need to be continually revisited to keep the peace, and a negotiation impasse can result in renewed conflict. That's the main takeaway from the dispute that erupted in the English Channel between French and British fishermen ... [READ MORE](#) 


Culture in Negotiation: Preparing for International Negotiation

POSTED SEPTEMBER 14TH, 2020 BY KATIE SHONK & FILED UNDER INTERNATIONAL NEGOTIATION.

In his book *How to Negotiate Anything with Anyone Anywhere Around the World*, Frank L. Acuff advises readers to expect Germans to be reserved, hard bargainers who may be offended by personal questions and tardiness. Those negotiating with Chinese counterparts are cautioned to avoid direct questions and to prepare to make numerous concessions. And negotiators ... [READ MORE](#) 


How to Manage Conflict at Work

POSTED AUGUST 27TH, 2018 BY KATIE SHONK & FILED UNDER CONFLICT RESOLUTION.

A 62-year-old salesman believes he has convincing evidence that his boss passed him over for a promotion because of his age. What options does he have? He could let the matter drop and perhaps look for another job. He could file an employment-discrimination lawsuit. Or, if his company offers mediation services, he could have the ... [READ HOW TO MANAGE CONFLICT AT WORK](#) 


Manage Family Conflict When Business Negotiations Go Bad

POSTED SEPTEMBER 4TH, 2017 BY KATIE SHONK & FILED UNDER CONFLICT RESOLUTION.

Conventional wisdom warns us against doing business with family members. Negotiations between people linked by close ties can result in hurt feelings, damaged relationships, or simply the nagging feeling that a better deal was within reach. Yet circumstances sometimes require us to negotiate financial matters with a relative. In other situations, someone close to you may ... [READ MORE](#) 


When Dealmaking Breaks Down, Take the High Road

POSTED FEBRUARY 27TH, 2017 BY KATIE SHONK & FILED UNDER DEALMAKING.

When a negotiation reaches an impasse, it can be tempting to use threats and punishment to try to coerce the other side into conceding. That happened in a dispute between Amazon and Hachette, one of the largest New York publishers, as reported in the *New York Times*. ... [READ WHEN DEALMAKING BREAKS DOWN, TAKE THE HIGH ROAD](#) 


Capture the Best of Mediation and Arbitration

POSTED DECEMBER 12TH, 2016 BY PON STAFF & FILED UNDER MEDIATION.

The problem: You're not sure which of the two most common dispute-resolution processes, mediation or arbitration, to use to resolve your conflict. Mediation is appealing because it would allow you to reach a collaborative settlement, but you're worried it could end in impasse. You know that arbitration would wrap up your dispute conclusively, but it ... **READ CAPTURE THE BEST OF MEDIATION AND ARBITRATION** 


Detroit Moves Forward, Thanks to *Mediation*

POSTED DECEMBER 3RD, 2014 BY KATIE SHONK & FILED UNDER MEDIATION.

About 15 months after becoming the largest U.S. city to file for bankruptcy, Detroit is on track to begin rebuilding and growing stronger. On November 7, a federal judge approved a plan aimed at ridding the city of its \$7 billion in debt and investing about \$1.7 billion in city services, the New York Times ... **READ MORE** 

Why We Focus on Culture in Negotiations

POSTED JULY 28TH, 2014 BY PON STAFF & FILED UNDER NEGOTIATION SKILLS.

Adapted from "Coping with Culture at the Bargaining Table," first published in the May 2009 issue of Negotiation. Why we focus on culture Why does concentrating on the other side's culture lead to problems in negotiation? Consider that negotiators often focus too narrowly on the most obvious information about the task at hand. Such focusing failures lead negotiators to ... **READ WHY WE FOCUS ON CULTURE IN NEGOTIATIONS** 

Conflict within Companies

POSTED JUNE 9TH, 2008 BY PON STAFF & FILED UNDER CONFLICT RESOLUTION.

Conflict within companies can be very costly, both in time and resources. Alternative Dispute Resolution, or ADR, may be helpful as you consider ways in which you can transition from conflict to productivity within your own organization. The three most common ADR techniques are: mediation, arbitration, and med-arb. During mediation a neutral third party facilitates a ... **READ CONFLICT WITHIN COMPANIES** 