

ADR

- 1. What is it?*
- 2. How do we use it?*
- 3. Why fix it?*

Herbrina Young

Special Master

United States Court of Federal Claims



Alternative Dispute Resolution

What is it?

an umbrella term encompassing several different, but related, non-litigative methods used to reconcile an active or potential legal claim

Negotiation

Settlement Conference

FOCUS

Early Neutral Evaluation

FOCUS

Mediation

FOCUS

Conciliation

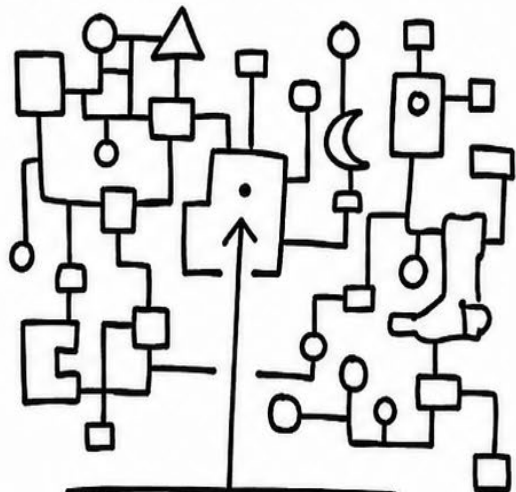
Arbitration

Six approaches sit outside the courtroom for resolving a dispute. Our program takes inspiration from the three highlighted here.

How the Three Compare

	Settlement Conference	Early Neutral Evaluation	Mediation
Who leads it	Judicial Officer assigned to the case also presides	Neutral evaluator, who may or may not be a judicial officer	Neutral facilitator, not presiding over the case
Process length	Shorter process than mediation	Single evaluative session — reviews submissions, then meets with parties	May involve several meetings and additional discovery
Client involvement	Clients are often not present	Facilitator speaks with each party individually	Parties present; may have prolonged ex parte talks with facilitator
Opinion on outcome	Not part of the process	Facilitator gives an opinion of the likely trial outcome	Parties may request an opinion of likely trial outcome
Who controls the result	Parties have final say over any resolution terms	Facilitator's input is non-binding, for settlement purposes only	Facilitator's input is non-binding, for settlement purposes only

LITIGATION



YOU ARE
HERE

MEDIATION



YOU COULD
BE HERE



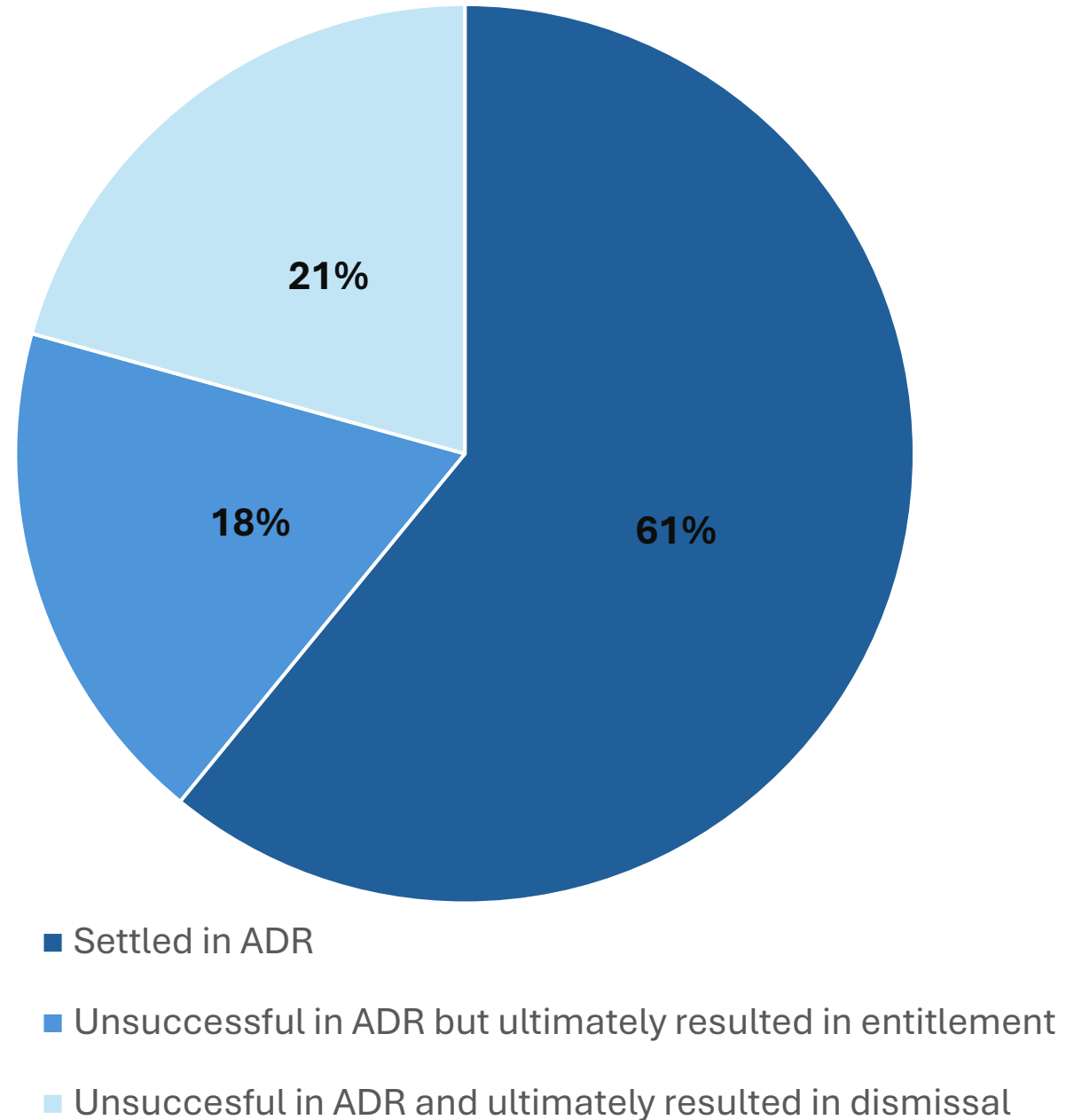
Expeditious
How do we use it?

There have been **103** cases that *entered* ADR from April 15, 2021, to September 1, 2026.

Of those, **16** are still actively engaged in ADR.

The remaining **87** cases have concluded ADR,* and this data consists of those cases.

*some of the cases unsuccessful in ADR are still pending entitlement



Program Efficacy

Outcomes and time-to-resolution across 87 cases referred to the ADR program

87

TOTAL CASES

61%

Settlement rate

53 of 87 cases resolved in ADR

145 days

Median ADR duration

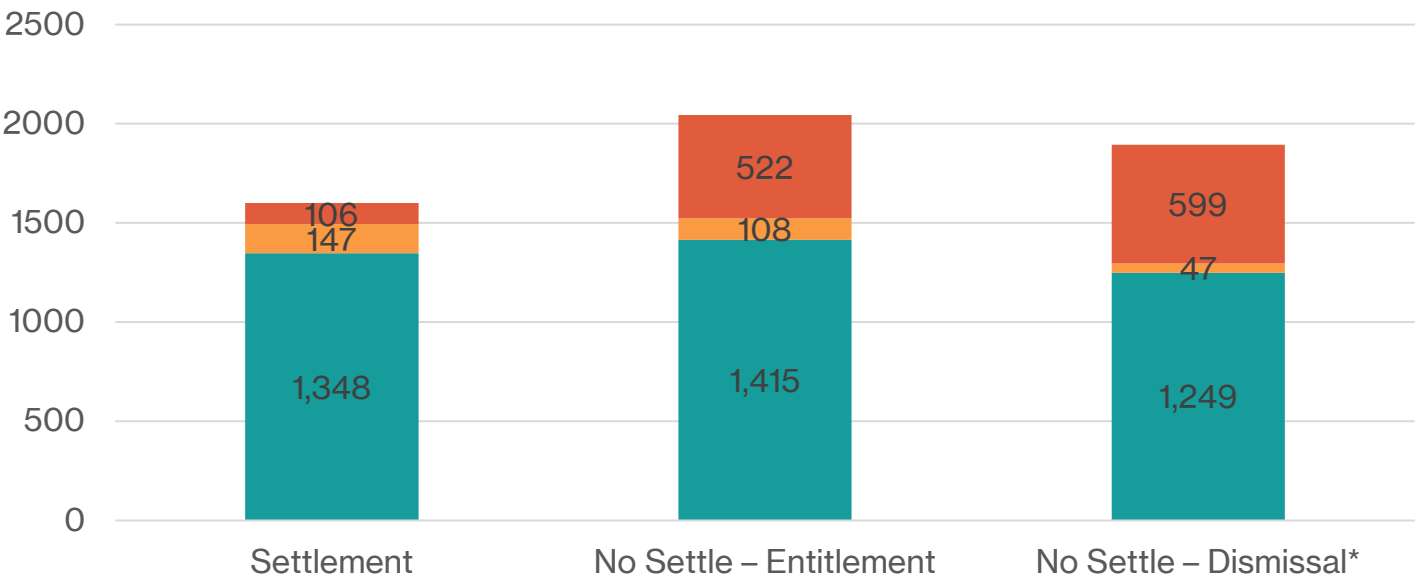
Time spent in the ADR process

5x faster

Resolution after settling

Median 106 days to close vs.

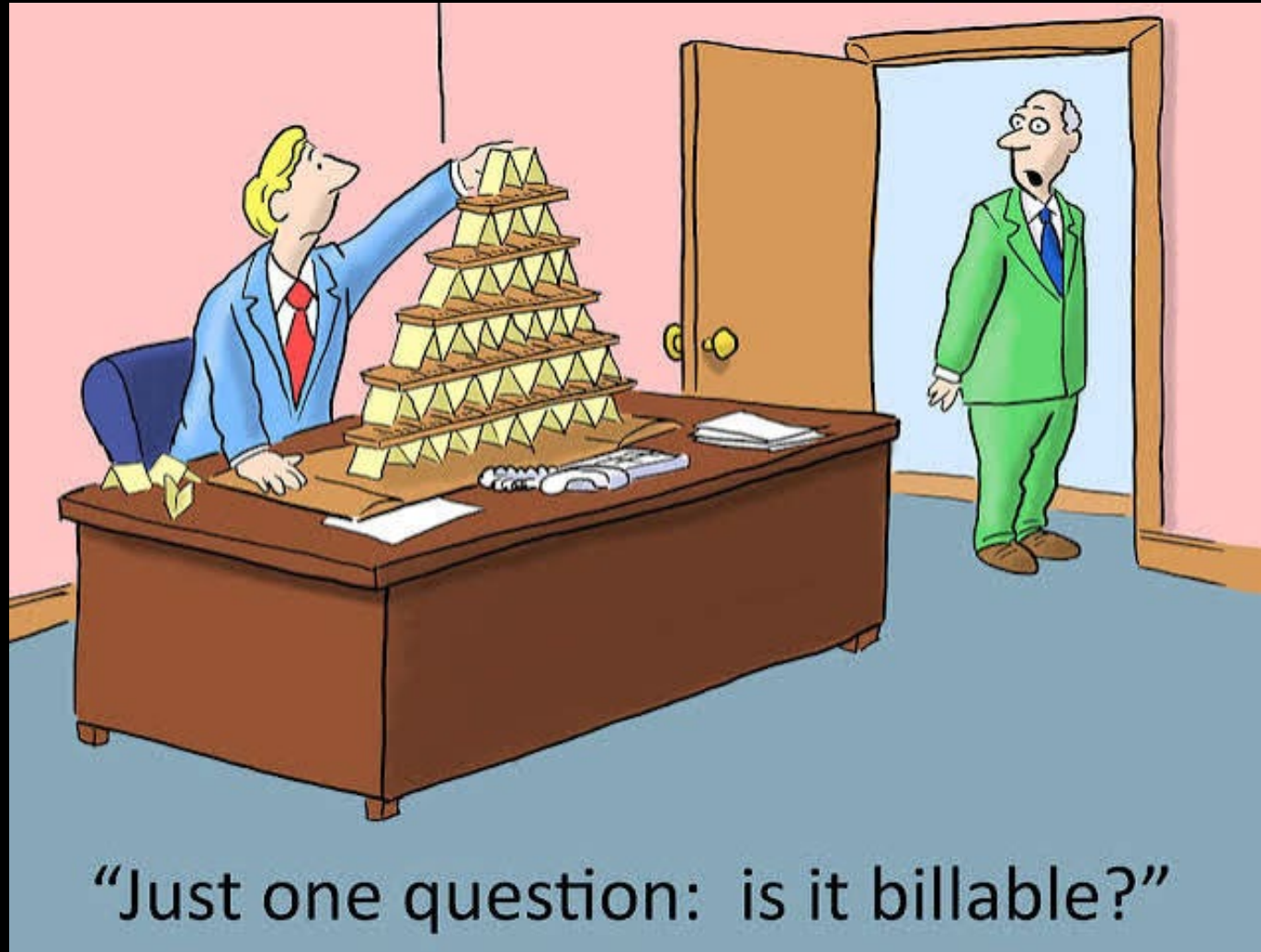
500+ days with unsuccessful ADR



■ Pre-ADR (filing to ADR entry) ■ In ADR ■ Post-ADR (ADR end to case close)

- The ultimate outcome is very nearly evenly split- 47% of cases resulted in entitlement once they leave ADR, and 53% resulted in dismissals.

Economical
*How do we use
it?*



In **28%** of the 69 cases from the previous data set (that either settled in ADR or were unsuccessful in ADR but ultimately resulted in compensation) attorney fees **exceeded** the settlement amount.

Within those, **42%** of the cases had fees awards **double or more** than the compensation award.

Additionally, this figure is a redacted accounting of non-SPU, **non-ADR** cases that informally settled between May 2024 and September 2025 and compensated the attorney at a rate of **double or more** than the entitlement award.

Case #	Fees Awarded	Compensation Awarded
18-	\$112,032.87	\$30,000.00
17-	\$188,740.33	\$32,137.69
16-	\$272,876.90	\$35,492.00
20-	\$107,764.49	\$40,000.00
21-	\$135,506.35	\$42,000.00
20-	\$179,511.53	\$42,500.00
18-	\$146,820.43	\$50,000.00
21-	\$134,192.42	\$50,064.79
21-	\$248,789.92	\$51,658.19
21-	\$183,616.46	\$65,000.00
20-	\$178,277.70	\$75,000.00

Equitable

Why fix it?



*“We have an agreement in principle.
The question is, do we all have the same principles?”*

Unique Circumstances of VICP



~Niche Program

~ Variable Petitioner v. Singular
Respondent

~ Special Master Discretion

~ Payment Structure



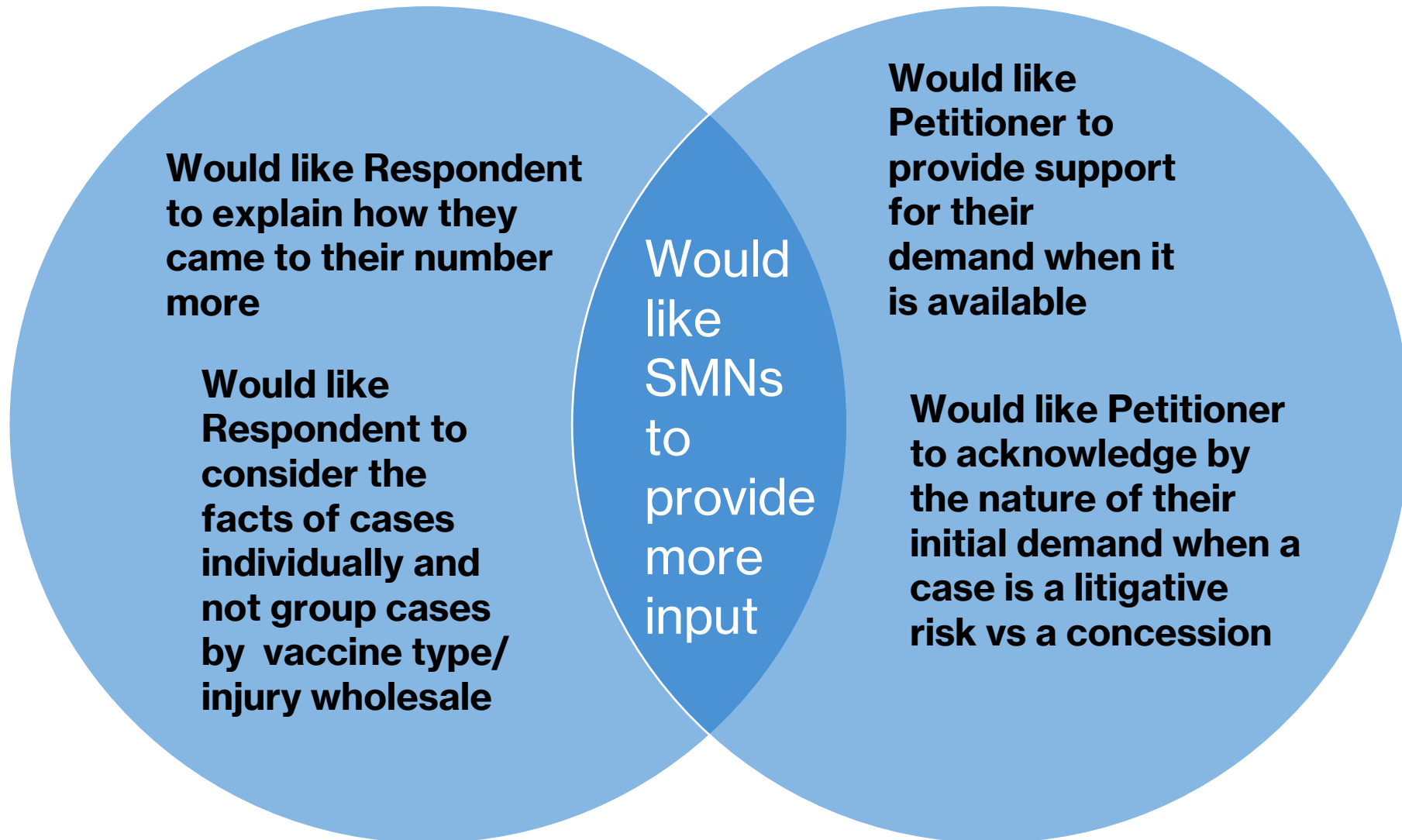
Empathetic

Why fix it?



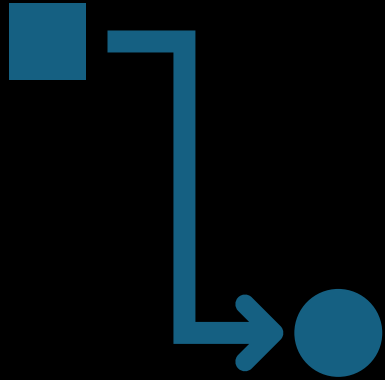
Petitioner

Respondent



Effect

Why fix it?



Responsible Conservation of Fund Resources

(Multiple rounds of expert reports; Hearing costs)

Prompt Disbursement to Petitioners and in turn Attorneys (fees).

(Damages can take months to years; Fewer resources devoted to interim fees)

Judicial Efficacy

(2025: 8 SMs wrote 144 substantive entitlement opinions)

Pre-ADR Settlement Conferences

Certain types of cases are likely to be informally resolved between the parties, and/or are good candidates for early settlement discussions

Next Steps

Exceptions: the alleged injury is novel, the vaccinee has a confirmed genetic mutation, or the case involves damages calculations that require a damages expert.

1

Mandatory Demand Transmittal
(at least one factor).

Only compensation issues are pain & suffering and out-of-pocket expenses

Petitioner has made full or significant recovery

Initial demand $\leq$ \$100,000

Table cases

Shoulder injury (on or off Table)



2

Pre-ADR Settlement Conferences

Initiated by the Presiding Special Master

Opt-out with articulated reasons

Presiding Special Master has discretion

No mandated formal ADR

Pilot Program

This includes approximately 10+ cases per special master.

The pilot program consists primarily of cases involving:

- Shoulder injuries
- GBS
- Bell's palsy
- ITP

References

Judge Marion Horn, USCFC

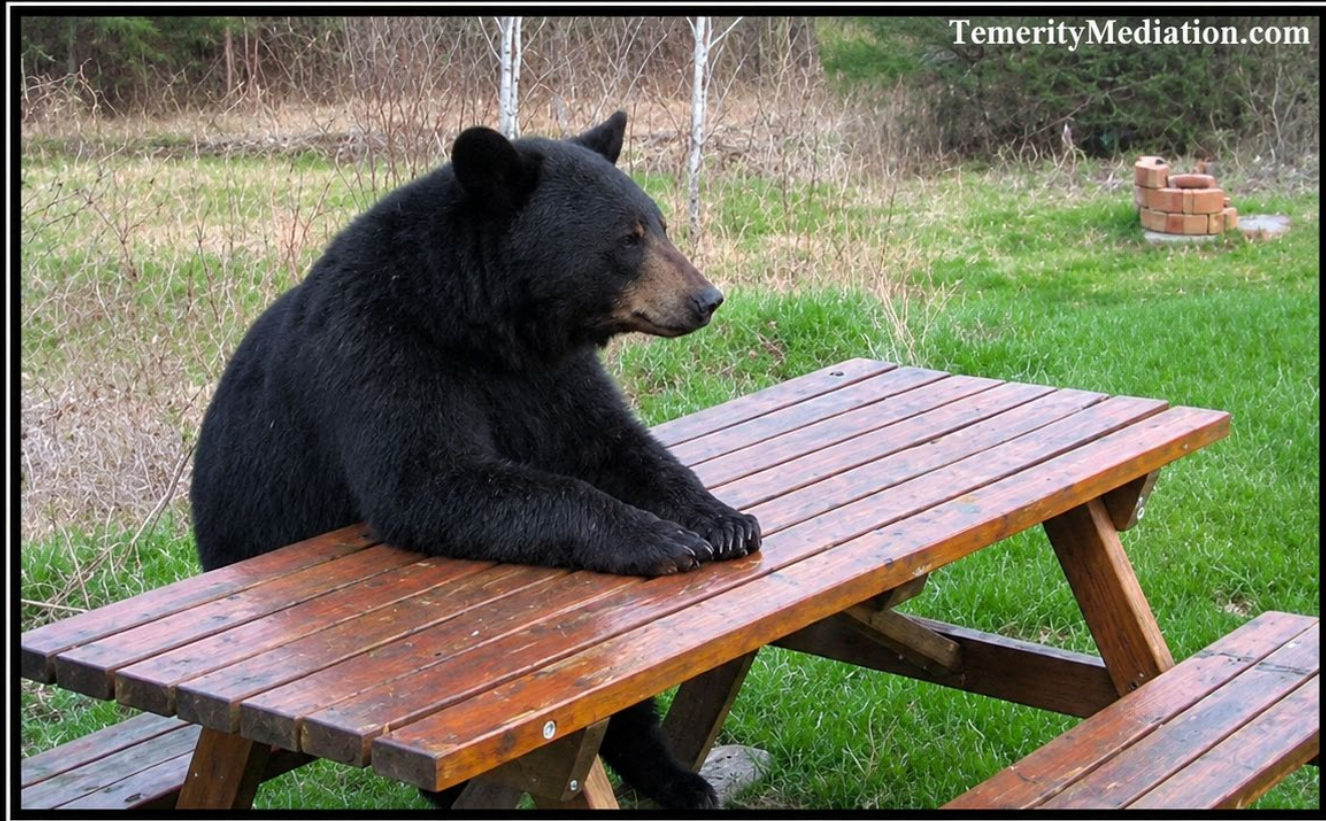
Laurel Stevenson, WDMO Mediation Assessment Program (MAP) Program Director and Mediator

Program Directors and Mediators: Federal Circuit, DC Circuit, 2nd Circuit, 6th Circuit, NDCA, DRI, WDNY, EDNY, MDPA, MDLA, SDIL

Federal Judicial Center- Judicial and Legal Education

Administrative Office of US Courts- Office of District Court Coordinators

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MEDIATION

They wouldn't settle. So I ate them.

QUESTIONS?