



U. S. Department of Justice

Office of the Associate Attorney General

Alternative Dispute Resolution Program

Washington, D.C. 20530

June 6, 2005

Mr. Francis Cameron
Special Counsel
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, MD 20852-2738

Re: Attorney General Report to the President on Federal Alternative Dispute
Resolution – Data From Departments and Agencies Needed by August 5, 2005

Dear Mr. Cameron:

The Interagency Alternative Dispute Resolution (ADR) Steering Committee and Sections of the Interagency ADR Working Group want to enlist your participation in the production of a report for the President on the state of federal ADR. This letter gives you the background and details about the project.

The Attorney General is the Presidentially-appointed leader of federal alternative dispute resolution. Pursuant to Presidential Memorandum, the Attorney General convened an Interagency Alternative Dispute Resolution (“ADR”) Working Group composed of senior level professionals, including dispute resolution specialists appointed pursuant to the Administrative Dispute Resolution Act of 1996, from all of the cabinet departments and many independent agencies and administrations. The interagency group in turn created four Sections to assist agencies in developing their ADR efforts: Civil Enforcement; Claims Against the Government; Contracts and Procurement; and Workplace.

The Presidential Memorandum requires that periodic reports about the work of the interagency group be submitted to the President, and the Department of Justice submitted the interagency group’s initial report on federal ADR to the President in 2000. The Department of Justice now is planning a report, for submission by the Attorney General to the President, on the current state of federal ADR throughout the government. As the critical first step, the Department of Justice has enlisted the group’s four interagency Sections and Interagency ADR Steering Committee to obtain data about ADR programs, performance, and results from the individual departments and agencies. They have developed the enclosed survey to elicit the data that can be used to prepare the report.

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The goal of the Sections and Steering Committee is to produce the report for transmission to the President by September 30, 2005. We would appreciate your assistance in having the enclosed survey completed and submitted to the Department of Justice by August 5, 2005.

If you have any questions regarding the completion of the survey, or would find it helpful to discuss it further, please feel free to contact either of us. Thank you in advance for your crucial role and support in preparation of this report.

Sincerely,



Anthony N. Palladino
Associate Chief Counsel, and
Director, Office of Dispute Resolution
For Acquisition, AGC-70
Chair, Interagency ADR
Steering Committee
U.S. Department of Transportation
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591
(202) 267-3290
Anthony.Palladino@faa.gov



Linda A. Cinciotta
Director, Office of Dispute Resolution, and
Senior Counsel for Alternative
Dispute Resolution
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
(202) 514-8910
Linda.A.Cinciotta@usdoj.gov

Encl.

cc: Chairs, Interagency Sections
Members, Interagency ADR Steering Committee

**Performance and Results:
Alternative Dispute Resolution
in the
Federal Departments and Agencies**

Survey of Federal Departments and Agencies

Date: June 6, 2005

Part I: Background

President George H.W. Bush signed into law the Administrative Dispute Resolution Act of 1990. Pursuant to a Presidential Memorandum signed May 1, 1998, the Attorney General convened an Interagency Alternative Dispute Resolution (ADR) Working Group of representatives from Cabinet Departments and other agencies with a significant interest in dispute resolution. The purpose of the interagency group is to facilitate, encourage, and coordinate dispute resolution in the agencies, in areas including program development, training, use of neutrals, and evaluation of results. The interagency group created four Sections to assist agencies in developing specific ADR programs: Civil Enforcement; Claims Against the Government; Contracts and Procurement; and Workplace.

The Presidential Memorandum requires that periodic reports about the work of the interagency group be submitted to the President. The interagency group submitted the initial report on federal ADR to the President on May 8, 2000. Statutory, policy, and reporting documents are available on the interagency group's web page, www.adr.gov.

The Department of Justice is working with the Interagency ADR Steering Committee and the four Sections to prepare the next report from the Attorney General to the President. The first step is to obtain ADR program, performance, and results information from the agencies. A survey to elicit that information follows this introduction. The survey information will be used to prepare the report to the President. We ask that the survey be completed by the official who is the agency's Dispute Resolution Specialist pursuant to the Administrative Dispute Resolution Act of 1996. We also ask that the Dispute Resolution Specialist obtain, and include in this survey, information from all offices in the department or agency that use any ADR processes.

Please email your responses by August 5, 2005 to the mailbox the Department of Justice has established for this survey and report: ODR.Mailbox@usdoj.gov

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Part II: Survey

(To be completed by the agency's Dispute Resolution Specialist appointed under the Administrative Dispute Resolution Act of 1996)

1) **Agency Respondent**

- a) Name of Department/Agency responding: _____
- b) Date this report is being submitted: _____
- c) Does your agency have an ADR page on the Internet? If so, please give us the web address: _____

2) **Information About Your Agency's Established ADR Policy and Programs**

- a) Does your agency have an ADR policy? _____
 - i) If so, please give a brief description of the policy, including the areas to which it applies (e.g., civil enforcement and regulatory, claims against the government, contract and procurement, workplace).

 - ii) Is the ADR policy available on the Internet? _____
 - (1) If so, please give the web page: _____
 - iii) If the policy is not available on the Internet, please attach a copy (and note here that you are doing so): _____
- b) Please briefly describe your established ADR program(s), including the area(s) to which it applies. _____

3) **Information About Other Dispute Resolution Processes at Your Agency**

- a) Does your agency have dispute resolution processes in areas which are not covered by the formal ADR Program(s)? _____
 - i) If so, please briefly describe them:

ii) If so, we would like to offer the employee(s) who manage those processes an opportunity to get involved in the work in the interagency group. Please provide the name, telephone, and email for that individual(s):

iii) If not, has your agency ever considered establishing dispute resolution processes in areas not covered by your ADR policy/established programs?

4) Performance and Results

a) Please describe how your agency is establishing performance targets, measures, and results for your ADR Program:

b) Please give us some examples of how your agency's ADR program(s) contribute to the three goals of good government in the President's Management Agenda:

i) The goal of making government citizen-centered (e.g., fostering a good relationship between citizens and their government):

ii) The goal of making government results-oriented (e.g., better, quicker, and more cost-effective resolution of disputes):

iii) The goal of making government market-based (e.g., foster efficiency, innovation, and cost savings):

c) Please give us some examples of how your agency's ADR program(s) contributes to one or more of the President's five government-wide goals:

i) Strategic management of human capital (e.g., increased productivity of the workforce):

ii) Competitive sourcing (e.g., continuous improvement and removal of roadblocks to greater efficiency):

iii) Improved financial performance (e.g., facilitation of better performance measurement and decision-making):

iv) Expanded electronic government (e.g., making dealings with the government easier, cheaper, quicker, more comprehensible):

v) Budget and performance integration (e.g., better control over resources used):

5) Information About the Types of ADR Processes Your Agency Uses

a) Does your agency use mediation? _____

If so, in what areas? _____

b) Does your agency use arbitration? _____

If so, in what areas? _____

c) Does your agency use facilitation? _____

If so, in what areas? _____

d) Does your agency use settlement judges? _____

- If so, in what areas? _____
- e) Does your agency use consensus building and/or public participation? _____
If so, in what areas? _____
- f) Does your agency use partnering? _____
If so, in what areas? _____
- g) Does your agency use conflict coaching? _____
If so, in what areas? _____
- h) Does your agency use, or has it used, negotiated rulemaking? _____
If so, please describe the circumstances in which it was used and the results:

- i) Does your agency have an Ombuds? _____ If so, for what areas?

- j) Please tell us briefly how the processes your agency uses advance the work of your agency: _____

6) Information About Challenges

- a) Please help us understand the challenges, if any, your agency faces in facilitating and encouraging agency use of ADR:

- b) Would additional resources help overcome those challenges? _____
- c) Would training help overcome those challenges? _____
- d) Could the Interagency group or Sections provide assistance in helping to overcome those challenges? _____
- e) Is there anything else that could help overcome those challenges? _____

7) Information about the Dispute Resolution Specialist (DRS) responding to this survey (please tell us more about yourself):

- a) Name: _____
- b) Title/Position: _____
- c) Division/Office within agency: _____
- d) Telephone: _____ Email: _____

- e) Do you have responsibility for a specific ADR program function (e.g., in-house mediator, program manager, ADR advisor)? _____
- i) If yes, what is that function(s)? _____

- f) Where is your DRS position/function located within the agency (e.g., General Counsel, policy office, separate ADR office)? _____

- g) Is your DRS position/function full-time or collateral duty? _____
- h) Is there someone else in addition to, or other than, yourself from whom we should request ADR information in the future? _____

8) ADR Management Information About the Agency

- a) Please describe the staffing structure that supports your ADR Programs:

- b) How many full-time FTE does your agency dedicate to ADR? _____
How many part-time FTE does your agency dedicate to ADR? _____
- c) Does your agency have a specific budget for ADR? _____; if so, for what purposes are the funds used? _____
- d) In order to encourage interagency coordination, we would appreciate having the names of the other ADR Points of Contact in your agency (including all components and subagencies). Please give for each contact: name; title; division; telephone; email; ADR function; and whether their ADR duties are full-time or collateral duty:

9) Other Comments

Please provide any other comments you would like to add:

