

# **SUBJECT HEADING OUTLINE**

## **WITH SEARCH TERMS AND INDEX NUMBERS**

### **Index Number**

#### **I. NEGOTIATION (strategies and theories)**

##### **With or Without Assistance of a 3rd-party Neutral**

- {1} General**                      **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL-GENERAL**

##### **With or Without Assistance of a 3rd-party Neutral - Theories**

- {2} General**                      **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL-THEORY: GENERAL**
- {3} Cooperative**                **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL- COOPERATIVE**
- {4} Competitive**                **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL- COMPETITIVE**
- {5} Game Theory**                **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL- GAME THEORY**
- {6} Economic**                    **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL- ECONOMIC**
- {7} Negotiator's Dilemma**                **NEG: W/ OR W/O ASSIST OF 3D-PARTY NEUTRAL- NEGOTIATOR'S DILEMMA**

##### **Tactics, Strategies and Techniques**

- {8} General**                      **NEG: TACTICS, STRATEGIES AND TECHNIQUES- GENERAL**
- {9} Preparation**                **NEG: TACTICS, STRATEGIES AND TECHNIQUES- PREP**
- {10} Threats**                    **NEG: TACTICS, STRATEGIES AND TECHNIQUES- THREATS**
- {11} False Demands**                **NEG: TACTICS, STRATEGIES AND TECHNIQUES- FALSE DEMANDS**
- {12} Power**                      **NEG: TACTICS, STRATEGIES AND TECHNIQUES- POWER**

- |      |                              |                                                              |
|------|------------------------------|--------------------------------------------------------------|
| {13} | Cooperative Tech.            | NEG: TACTICS, STRATEGIES AND TECHNIQUES- COOP TECHNIQUES     |
| {14} | Objective Criteria           | NEG: TACTICS, STRATEGIES AND TECHNIQUES- USE OF OBJ CRITERIA |
| {15} | Other Areas                  | NEG: TACTICS, STRATEGIES AND TECHNIQUES- OTHER               |
| {16} | Eval. Options & Offers       | NEG: EVAL OF OPTIONS AND OFFERS                              |
| {17} | Cultural Considerations      | NEG: CULTURAL CONSIDERATIONS                                 |
| {18} | Psychological Considerations | NEG: PSYCH CONSIDERATIONS                                    |
| {19} | Bargaining Teams             | NEG: USE OF BARGAINING TEAMS                                 |
| {20} | Agents                       | NEG: USE OF AGENTS                                           |

## II. MEDIATION

- |      |                             |                                              |
|------|-----------------------------|----------------------------------------------|
| {21} | Related Processes - General | MED: RELATED PROCESSES- GENERAL              |
| {22} | Theories & Strategies       | MED: RELATED PURPOSES- THEORY AND STRATEGIES |
| {23} | Negotiated Rule-Making      | MED: NEGOTIATED RULE- MAKING                 |
| {24} | Pre-trial Conferences       | MED: PRETRIAL CONF                           |
| {25} | Public Policy               | MED: PUBLIC POLICY DIALOGUE                  |
| {26} | Other Settlement Devices    | MED: OTHER JUDICIAL SETTLEMENT DEVICES       |
| {27} | Agreement to Use            | MED: OBTAINING AGREEMENT TO USE              |
| {28} | Timing                      | MED: TIMING                                  |
| {29} | Guidelines                  | MED: OPENING AND SETTING GUIDELINES          |
| {30} | Communication               | MED: ENCOURAGING COMM AND NEG                |
| {31} | Caucusing                   | MED: CAUCUSING                               |
| {32} | Counseling                  | MED: COUNSELING                              |
| {33} | Psychological Factors       | MED: PSYCH FACTORS                           |
| {34} | Representation of Client    | MED: REP OF A CLIENT DURING                  |

- |      |                             |                                                    |
|------|-----------------------------|----------------------------------------------------|
|      |                             | PROCESS                                            |
| {35} | Drafting                    | MED: DRAFTING SETTLEMENT AGREEMENTS                |
| {36} | Independent Attorney Review | MED: IND ATTY REVIEW                               |
| {37} | Mediation Centers           | MED: FEES, FUNDING, AND ADMIN OF MEDIATION CENTERS |

### III. NON-BINDING RECOMMENDATION PROCEDURES

- |      |                         |                                                       |
|------|-------------------------|-------------------------------------------------------|
| {38} | General                 | NON-BINDING RECOMMENDATION PROC- GENERAL              |
| {39} | Mini-Trial              | NON-BINDING RECOMMENDATION PROC- MINI-TRIAL           |
| {40} | Summary Jury Trial      | NON-BINDING RECOMMENDATION PROC- SUMMARY JURY         |
| {41} | Neutral Fact-Finding    | NON-BINDING RECOMMENDATION PROC- NEUTRAL FACT-FINDING |
| {42} | Non-Binding Arbitration | NON-BINDING RECOMMENDATION PROC- NON-BINDING ARB      |
| {43} | Neutral Evaluation      | NON-BINDING RECOMMENDATION PROC- EARLY NEUTRAL EVAL   |

### IV. ARBITRATION

#### Mandatory, Court Annexed Arbitration

- |      |                         |                                                        |
|------|-------------------------|--------------------------------------------------------|
| {44} | General                 | ARB: MANDATORY, COURT-ANNEXED- GENERAL                 |
| {45} | Fees and Funding        | ARB: MANDATORY, COURT-ANNEXED- FEES & FUNDING          |
| {46} | Financial Disincentives | ARB: MANDATORY, COURT-ANNEXED- FINANCIAL DISINCENTIVES |
| {47} | Trial De Novo           | ARB: MANDATORY, COURT-ANNEXED- TRIAL DE NOVO           |

#### Other Arbitration Areas

- |      |                             |                           |
|------|-----------------------------|---------------------------|
| {48} | Binding Arbitration-General | ARB: BINDING ARB- GENERAL |
| {49} | Obtaining and Enforcing     |                           |

	<b>Agreements</b>	<b>ARB: OBTAINING AND ENFORCING AGREEMENT TO ARB</b>
<b>{50}</b>	<b>Selection of Arbitrators</b>	<b>ARB: SELECTION OF ARBITRATOR</b>
<b>{51}</b>	<b>Training and Qualifications</b>	<b>ARB: TRAINING AND QUALIFICATIONS OF ARBITRATOR</b>
<b>{52}</b>	<b>Fees and Funding of Arbitrator</b>	<b>ARB: FEES AND FUNDING OF ARBITRATOR</b>
<b>{53}</b>	<b>Preparation</b>	<b>ARB: PREPARATION</b>
<b>{54}</b>	<b>Representation of Client in Arbitration</b>	<b>ARB: CLIENT REP</b>
<b>{55}</b>	<b>Serving as an Arbitrator</b>	<b>ARB: SERVING AS ARBITRATOR</b>
<b>{56}</b>	<b>Drafting Arbitration Agreements</b>	<b>ARB: DRAFTING ARB AGREEMENT</b>
<b>{57}</b>	<b>Final Offer Arbitration</b>	<b>ARB: FINAL OFFER ARB</b>
<b>{58}</b>	<b>Judicial Review of Arbitration</b>	<b>ARB: JUDICIAL REVIEW</b>
<b>{59}</b>	<b>Private Judging</b>	<b>ARB: PRIVATE JUDGING</b>

**V. INSTITUTIONAL NATURE**

<b>{60}</b>	<b>General</b>	<b>INST NATURE: GENERAL</b>
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**Justice System**

<b>{61}</b>	<b>General</b>	<b>INST NATURE: JUSTICE SYSTEM-GENERAL</b>
<b>{62}</b>	<b>Appellate Courts</b>	<b>INST NATURE: JUSTICE SYSTEM-APPELLATE COURTS</b>
<b>{63}</b>	<b>Criminal Courts</b>	<b>INST NATURE: JUSTICE SYSTEM-CRIM COURTS</b>
<b>{64}</b>	<b>Family Courts</b>	<b>INST NATURE: JUSTICE SYSTEM-FAMILY COURTS</b>
<b>{65}</b>	<b>Justice of the Peace</b>	<b>INST NATURE: JUSTICE SYSTEM-JUSTICE OF PEACE</b>
<b>{66}</b>	<b>Other Civil Courts</b>	<b>INST NATURE: JUSTICE SYSTEM-OTHER CIVIL COURTS</b>
<b>{67}</b>	<b>Small Claims Courts</b>	<b>INST NATURE: JUSTICE SYSTEM-SMALL CLAIMS COURTS</b>

- |      |                        |                                             |
|------|------------------------|---------------------------------------------|
| {68} | <b>Special Masters</b> | INST NATURE: JUSTICE SYSTEM-SPECIAL MASTERS |
| {69} | <b>Other</b>           | INST NATURE: JUSTICE SYSTEM-OTHER           |

#### Other Areas

- |      |                                                   |                                           |
|------|---------------------------------------------------|-------------------------------------------|
| {70} | <b>Government Entities</b>                        | INST NATURE: GOV'T ENTITIES               |
| {71} | <b>Religious Organizations</b>                    | INST NATURE: RELIGIOUS ORGANIZATIONS      |
| {72} | <b>Secular, Private, Non-Profit Organizations</b> | INST NATURE: SECULAR, PRIVATE, NON-PROFIT |
| {73} | <b>Private, Profit Making Organizations</b>       | INST NATURE: PRIVATE, PROFIT-MAKING       |

#### VI. SUBJECT MATTER APPLICATIONS

- |      |                                    |                                    |
|------|------------------------------------|------------------------------------|
| {74} | <b>General</b>                     | SUBJ MATTER: GENERAL               |
| {75} | <b>Antitrust</b>                   | SUBJ MATTER: ANTITRUST             |
| {76} | <b>Commercial</b>                  | SUBJ MATTER: COMMERCIAL            |
| {77} | <b>Civil Rights</b>                | SUBJ MATTER: CIVIL RIGHTS          |
| {78} | <b>Community</b>                   | SUBJ MATTER: COMMUNITY             |
| {79} | <b>Consumer</b>                    | SUBJ MATTER: CONSUMER              |
| {80} | <b>Construction</b>                | SUBJ MATTER: CONSTRUCTION          |
| {81} | <b>Corporate</b>                   | SUBJ MATTER: CORPORATE             |
| {82} | <b>Criminal</b>                    | SUBJ MATTER: CRIMINAL              |
| {83} | <b>Education</b>                   | SUBJ MATTER: EDUCATION             |
| {84} | <b>Environment</b>                 | SUBJ MATTER: ENVIRONMENT           |
| {85} | <b>Family (Domestic Relations)</b> | SUBJ MATTER: FAMILY (DOMESTIC REL) |
| {86} | <b>Farm</b>                        | SUBJ MATTER: FARM                  |
| {87} | <b>Government</b>                  | SUBJ MATTER: GOV'T                 |
| {88} | <b>Government Contracts</b>        | SUBJ MATTER: GOV'T CONTRACTS       |
| {89} | <b>Hospitals</b>                   | SUBJ MATTER: HOSPITALS             |
| {90} | <b>Housing - Rental</b>            | SUBJ MATTER: RENTAL HOUSING        |
| {91} | <b>Insurance</b>                   | SUBJ MATTER: INSURANCE             |
| {92} | <b>International</b>               | SUBJ MATTER: INT'L                 |
| {93} | <b>Labor - General</b>             | SUBJ MATTER: LABOR-GENERAL         |
| {94} | <b>Labor - Discrimination</b>      | SUBJ MATTER: LABOR-DISCRIMINATION  |

<b>{95}</b>	<b>Labor - Management (Union)</b>	<b>SUBJ MATTER: LABOR- MANAGEMENT (UNIONS)</b>
<b>{96}</b>	<b>Labor - Employment (Non-union)</b>	<b>SUBJ MATTER: EMPLOYMENT (NON-UNIONS)</b>
<b>{97}</b>	<b>Maritime</b>	<b>SUBJ MATTER: MARITIME</b>
<b>{98}</b>	<b>Medical Malpractice</b>	<b>SUBJ MATTER: MEDICAL MALPRACTICE</b>
<b>{99}</b>	<b>Other Professional Malpractice</b>	<b>SUBJ MATTER: OTHER PROF MALPRACTICE</b>
<b>{100}</b>	<b>Prisons</b>	<b>SUBJ MATTER: PRISONS</b>
<b>{101}</b>	<b>Probate</b>	<b>SUBJ MATTER: PROBATE</b>
<b>{102}</b>	<b>Public Policy</b>	<b>SUBJ MATTER: PUBLIC POLICY</b>
<b>{103}</b>	<b>Public Utilities</b>	<b>SUBJ MATTER: PUBLIC UTILITIES</b>
<b>{104}</b>	<b>Regulatory</b>	<b>SUBJ MATTER: REGULATORY</b>
<b>{105}</b>	<b>Science &amp; Technology</b>	<b>SUBJ MATTER: SCIENCE &amp; TECHNOLOGY</b>
<b>{106}</b>	<b>Securities</b>	<b>SUBJ MATTER: SECURITIES</b>
<b>{107}</b>	<b>Sports and Enter- tainment</b>	<b>SUBJ MATTER: SPORTS &amp; ENTERTAINMENT</b>
<b>{108}</b>	<b>Tax</b>	<b>SUBJ MATTER: TAX</b>
<b>{109}</b>	<b>Toxic Torts</b>	<b>SUBJ MATTER: TOXIC TORTS</b>
<b>{110}</b>	<b>Torts - Other</b>	<b>SUBJ MATTER: OTHER TORTS</b>

**VII. THIRD PARTY ISSUES**

<b>{111}</b>	<b>Conflict of Interest for Third Party Neutral</b>	<b>3RD PARTY: CONFLICT OF INTEREST</b>
<b>{112}</b>	<b>Liability and Immunity of Third Party Neutral</b>	<b>3RD PARTY: LIABILITY &amp; IMMUNITY</b>
<b>{113}</b>	<b>Neutrality of Third Party</b>	<b>3RD PARTY: NEUTRALITY</b>
<b>{114}</b>	<b>Practice of Law by Third Party Neutral</b>	<b>3RD PARTY: PRACTICE OF LAW</b>
<b>{115}</b>	<b>Selection of Third Party Neutral</b>	<b>3RD PARTY: SELECTION</b>

- |       |                                              |                                        |
|-------|----------------------------------------------|----------------------------------------|
| {116} | Training of Third Party                      | 3RD PARTY: TRAINING                    |
| {117} | Volunteer or Lay Persons<br>as Third Parties | 3RD PARTY: VOLUNTEER OF LAY<br>PERSONS |

## VIII. TYPES OF SOURCES

- |       |                                      |                                                 |
|-------|--------------------------------------|-------------------------------------------------|
| {118} | Bibliographies                       | TYPE OF SOURCE: BIBLIOGRAPHY                    |
| {119} | Book Reviews                         | TYPE OF SOURCE: BOOK REVIEW                     |
| {120} | Case Studies and<br>Research Reports | TYPE OF SOURCE: CASE STUDY /<br>RESEARCH REPORT |

## IX. SETTLEMENT

- |       |                                         |                                                   |
|-------|-----------------------------------------|---------------------------------------------------|
| {121} | Authority to Settle                     | SETTLEMENT: AUTHORITY                             |
| {122} | Enforcement of Settlement<br>or Award   | SETTLEMENT: ENFORCEMENT OF<br>SETTLEMENT OR AWARD |
| {123} | Pressures to Settle<br>or Not Challenge | SETTLEMENT: PRESSURES TO<br>SETTLE                |

## X. COMPARISONS

- |       |                |                             |
|-------|----------------|-----------------------------|
| {124} | Cross-cultural | COMPARISONS: CROSS-CULTURAL |
| {125} | Historical     | COMPARISONS: HISTORICAL     |

## XI. REQUIREMENTS TO USE

- |       |                                           |                                      |
|-------|-------------------------------------------|--------------------------------------|
| {126} | Contractual Clauses<br>to Use             | REQUIREMENTS: CONTRACTUAL<br>CLAUSES |
| {127} | Mandate to Use                            | REQUIREMENTS: MANDATE TO<br>USE      |
| {128} | Statutory or Rules<br>Requirements to Use | REQUIREMENTS: STATUTORY OR<br>RULES  |

## XIII.

## MISCELLANEOUS

- |                                                                   |                                                |
|-------------------------------------------------------------------|------------------------------------------------|
| {129} Agreement Upon Procedure                                    | AGREEMENT ON PROCEDURE                         |
| {130} Compliance Issues                                           | COMPLIANCE ISSUES                              |
| {131} Conference Proceedings - Materials                          | CONFERENCE PROCEEDINGS                         |
| {132} Confidentiality                                             | CONFIDENTIALITY                                |
| {133} Court Reforms to Accommodate Dispute Resolution Process     | COURT REFORM                                   |
| {134} Dispute Prevention                                          | DISPUTE PREVENTION                             |
| {135} Distinguishing Between Dispute Negotiations and Deal-making | DISPUTE NEG. v. DEAL MAKING                    |
| {136} Economic Advantages of Alternative Dispute Resolution       | ECONOMIC ADVANTAGES OF ADR                     |
| {137} Effect of Process on Non-Participatory Parties              | EFFECT OF PROCESS ON NON-PARTICIPATORY PARTIES |
| {138} Ethics - General                                            | ETHICS: GENERAL                                |
| {139} Ethics - Misrepresentation and Failure to Disclose          | ETHICS: MISREPRESENTATION, FAILURE TO DISCLOSE |
| {140} Fairness                                                    | FAIRNESS                                       |
| {141} Fundamental Critiques - "FISS"                              | FISS                                           |
| {142} Issue and Claims Preclusive Effects                         | ISSUE & CLAIM PRECLUSIVE EFFECTS               |
| {143} Judicial Participation in the Process                       | JUDICIAL PARTICIPATION                         |
| {144} Legislation                                                 | LEGISLATION                                    |
| {145} Ombudsperson                                                | OMBUDSPERSON                                   |
| {146} Organization Policies and Rules                             | ORGANIZATION POLICIES AND RULES                |
| {147} Power Imbalance                                             | POWER IMBALANCE                                |
| {148} Provisional Remedies in the Aid of Process                  | PROVISIONAL REMEDIES                           |



<b>{149}</b>	<b>Quality Control</b>	<b>QUALITY CONTROL</b>
<b>{150}</b>	<b>Relations of Process to Ongoing Litigation</b>	<b>RELATION TO ONGOING LITIGATION</b>
<b>{151}</b>	<b>Role of Lawyers</b>	<b>ROLE OF LAWYERS</b>
<b>{152}</b>	<b>Selection of Appropriate Processes</b>	<b>SELECTION OF APPROPRIATE PROCESS</b>
<b>{153}</b>	<b>Senior Citizens as Parties</b>	<b>SENIOR CITIZENS AS PARTIES</b>
<b>{154}</b>	<b>Subpoena and Discovery for Dispute Resolu- tion Hearing</b>	<b>SUBPOENA AND DISCOVERY</b>
<b>{155}</b>	<b>Teaching</b>	<b>TEACHING</b>

