

EARLY NEUTRAL INQUIRY

What is early neutral inquiry (ENI)?

The ENI is a dispute resolution method in which a neutral provides a non-binding evaluation of the facts in dispute after reviewing statements and relevant documentation and makes recommendations regarding possible resolution of the dispute. The ENI is an informal oral inquiry, which allows for the introduction of some documentation and evidence.

How does the process work?

Prior to the ENI, each side is requested to submit a statement (no more than two pages) identifying the session participants, major disputed issues, and any discovery that would be necessary for meaningful settlement discussions. The session begins with each side presenting a 15 minute opening statement, without interruption from the other party. The opening statement presents the party's case and describes the supporting documentation. The neutral may ask questions of each side to clarify issues and to fill in information gaps. The neutral also explores with each side the expectations from the process.

After the neutral prepares an oral assessment of each side's case, the parties reconvene to explore settlement discussions. If both sides agree to settlement discussions, the neutral facilitates these discussions. If either party declines the offer to begin settlement discussions or no settlement is reached, the neutral discloses his/her assessment of each parties' case. The assessment may comment on the specific events and/or documentation and explain the rationale for the conclusions reached. The ENI assists both parties in considering the strengths and weaknesses of their positions.

Why should you use ENI?

ENI is an appropriate process when more documentation is essential to facilitate settlement. It is also useful when the parties wish to have a neutral assessment of their dispute in a private setting. It provides the parties and their representatives an opportunity to hear the other side present its case. ENI helps the parties focus on the key issues and promptly discloses the key evidence. This process offers the disputants a confidential opportunity to receive a frank and thoughtful assessment of the relative strengths and weaknesses of the parties' positions and the overall value of the case. You do not give up any of your rights to pursue the matter formally.

Is ENI right for me?

To assist you in choosing whether or not ENI is an appropriate ADR process for your dispute, you should consider the following:

- a. A neutral assessment of the dispute in a private setting is desired.
- b. There is documentation which needs to be considered.
- c. Because of time constraints, expenses or other factors, early settlement is a possibility.
- d. There is some confusion about the case and there has been little or no communication with the other party.

Who should be present during the ENI?

Attendees may include the disputant and his/her representative; the management official (with authority to settle); the agency representative; and the neutral. In ENI both parties often have representatives/attorneys present; however, this is not a requirement. Since ENI is voluntary, any party can end the proceedings at any time and the disputant may pursue the filing of a formal complaint under 29 C.F.R. Part 1614.