

## Why Use Arbitration and Mediation?

The Nassau County Bar Association provides the Alternative Dispute Resolution Program to allow attorneys and their clients to use expeditious, time-saving and cost effective means to resolve disputes that might otherwise be litigated in the courts.

Using arbitration or mediation is a voluntary private process that requires an agreement between the parties to resolve their dispute, out of court.

These NCBA services are available to members of the public as well as to all legal professionals. The panels of arbitrators and mediators are highly skilled and qualified attorneys, admitted to the bar a minimum of 10 years and approved by the NCBA Judiciary Committee.



### Recommendations

The Federal Courts of the United States encourage arbitration as an alternative to court litigation.

Administrative Judges of the Supreme Court, County Court and District of Nassau County have endorsed the Alternative Dispute Resolution program sponsored by the Nassau County Bar Association.



### NASSAU COUNTY BAR ASSOCIATION

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## ADR

### Alternative Dispute Resolution

# Arbitration & Mediation



*Dispute Resolution  
Through The  
Nassau County  
Bar Association*



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# Alternative Dispute Resolution at the Nassau County Bar Association

## 516-747-4070 or [info@nassaubar.org](mailto:info@nassaubar.org)



### Who Serves As Arbitrators and Mediators?

The panels of arbitrators and mediators are highly skilled and qualified attorneys, admitted to the bar a minimum of 10 years and approved by the NCBA Judiciary Committee.

### What kinds of disputes are handled?

Arbitration and mediation may be used for any problems that are "justiciable," or capable of being decided by a court, except employment disputes. The scope of matters, cases, disputes and claims is broad and includes commercial, breach of contract, products liability, labor, medical malpractice, matrimonial (equitable distribution) and others. Employment disputes are processed under the NCBA's Employment Dispute Resolution (EDR) program.

### What are the benefits of arbitration?

- ✓ Arbitration may be less time consuming and more cost effective in resolving disputes.
- ✓ Arbitrators on the panel are judicial caliber and will consider the evidence and render a fair and impartial decision.
- ✓ Jury selection and appeals are eliminated.
- ✓ Extensive discovery proceedings are minimized.

### Sample Arbitration Clause

The following is a sample clause that attorneys may include in all their agreements:

**"All disputes shall be settled by arbitration by the Arbitration Tribunal Panel of the Nassau County Bar Association, NY in accordance with its rules then in effect."**



- ✓ The decision of an arbitrator is final and legally binding on the parties involved, and is enforceable as a judgment after trial under the Federal Arbitration Act and, where applicable, under New York state law and the laws of other states.
- ✓ Legal principals are observed and followed during the process. Arbitrators are bound to follow the Arbitration Rules prescribed and approved by NCBA.
- ✓ Arbitration hearings are scheduled at a time and place convenient to the parties and their counsel.
- ✓ Pursuant to the Rules of Arbitration, a decision must be rendered by the arbitrator within 30 days after hearings are closed, unless further extended by the parties.

### What is Mediation?

Mediation is another process to help parties resolve their dispute without going to court. Mediation may be used before litigation is started or to settle dispute that is already in court. Mediators help the parties search for a mutually satisfactory resolution, but they do not impose a decision, as is done in arbitration.

At the request of the parties and their attorneys, arbitrators may act as "mediators," following the mediation rules, including confidentiality, of the ADR Program. Having once acted in such capacity, the mediator may not reassume the role of "arbitrator" in the same matter without the consents of the parties.

### Costs & Fees

#### Arbitration

Administrative Cost (per case)	\$150
Arbitrator Fees (per day)	\$600

#### Mediation

Administrative Cost (per case)	\$300
Mediator Fees (per hour)	\$100

### Rules and further information

The rules of arbitration and mediation are available upon request from the Nassau County Bar Association. For further information, contact the Nassau County Bar Association, 516-747-4070 or [info@nassaubar.org](mailto:info@nassaubar.org).