The current backlog in our courts often causes litigants to wait years before obtaining a final resolution, at which point the cost to litigate may exceed the amount in controversy, the relief may no longer be needed, or the case has lost a great deal of its value. Around the country, recognition is growing that litigation is not a panacea for all disputes. The result is an ever-increasing use of alternatives to litigation, usually mediation or arbitration.

The Nassau County Bar Association’s Alternative Dispute Resolution Tribunal provides an opportunity for attorneys and their clients to use expeditious, time-saving and cost-effective arbitration or mediation to resolve disputes that might otherwise be litigated in the courts.

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

Why Use NCBA Arbitration or Mediation Services?

Costs & Fees

Administrative Cost (per case)
  Non-refundable $500

Arbitrator/Mediator Fees (per hour) $300

Costs and fees are shared by both parties unless a governing agreement provides otherwise.

A deposit of $1800 is required and shall be applied against the first 6 hours expended by the mediator or arbitrator. Unearned deposits shall be refunded.

The deposit fee is refundable up to 3 days prior to the hearing date. For cancellations with less than 3 days notice, the deposit will be paid to the mediator or arbitrator.

Recommendations

The Federal Courts of the United States and the Judges of the Supreme Court, County Court and District of Nassau County encourage arbitration and mediation as an alternative to court litigation.

Rules and further information

The rules of arbitration and mediation and application forms are available upon request from the Nassau County Bar Association. For further information, contact Stephanie Pagano, 516-747-4070 or spagano@nassaubar.com

Arbitration & Mediation

Alternative Dispute Resolution

Through The Nassau County Bar Association

Nassau County Bar Association

15th & West Streets
Mineola, NY 11501
516-747-4070
516-747-4147 (fax)
info@nassaubar.org
www.nassaubar.org

Nassau County Bar Association

Serving Long Island’s Legal Needs Since 1899

516-747-4070
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Alternative Dispute Resolution at the Nassau County Bar Association
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What kinds of disputes are handled through NCBA’s Alternative Dispute Resolution Tribunal?
Arbitration or mediation may be used for any problems that are capable of being decided by a court. The scope of matters, cases, disputes and claims is broad and includes commercial, breach of contract, products liability, labor, medical malpractice, domestic relations, estate and trusts, employment, and others.

Who serves as arbitrators and mediators?
The NCBA panels of arbitrators and mediators are highly skilled and qualified attorneys, admitted to the bar a minimum of 10 years and screened by the NCBA Judiciary Committee. The parties and/or their counsel choose from a list of trained and experienced arbitrators or mediators. Both parties mutually agree to the arbitrator or mediator used in their dispute.

What is the difference between mediation and arbitration?
Mediation is a process where a neutral third-party mediator works with the parties to reach a mutually agreeable settlement, then works with the parties and their counsel to formulate a binding stipulation of settlement that may be filed with the court. If a settlement is not reached, the mediator has no authority to impose one.

In arbitration, the arbitrator hears evidence and receives testimony, much like a judge, and makes a decision that is binding on the parties.

What are the benefits of NCBA MEDIATION?
√ Mediation is an informal and confidential process wherein the parties meet with a mutually selected impartial and neutral person who assists them in the negotiation of their differences.
√ Mediation can provide an alternative means of resolving a legal dispute quickly and satisfactorily, without the expense and delay associated with pre-trial discovery and trial.
√ Mediation can take place before litigation commences or at any time after the parties agree.
√ The mediator does not determine who is right or wrong and does not issue a decision. Instead, the mediator assists the parties towards working out their own solutions to their problems. The mediator will help to define the issues and eliminate obstacles to communication, while moderating and guiding the process.
√ Mediation allows people to resolve their disputes in ways that meet their own unique needs. Rather than leaving the final decision up to a judge or arbitrator, the parties themselves determine how the case will ultimately be resolved.
√ Mediation typically involves one or more meetings between the disputing parties and the mediator; it may also involve one or more confidential sessions between individual parties and the mediator.
√ The mediator does not assess blame or decide the merits or chances of success if the case were litigated or arbitrated.
√ A successful mediation results in a binding agreement between the parties.
√ NCBA mediators have a minimum of 40 hours of approved mediation training.

What are the benefits of NCBA ARBITRATION?
√ Arbitration may be less time consuming and more cost effective than court trials to resolve dispute.
√ 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.
√ 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.
√ Arbitration hearings are scheduled at a time and place convenient to the parties and their counsel.
√ Legal principles are observed and followed during the process. Arbitrators are bound to follow the Arbitration Rules prescribed and approved by NCBA.
√ Pursuant to the NCBA Rules of Arbitration, a decision must be rendered by the arbitrator within 30 days after hearings are closed, unless further extended by the parties.
√ Both parties agree to be bound by the decision of the arbitrator, who after hearing the evidence and arguments presented, issues a final and binding written decision, known as an “Award,” which resolves the dispute.
√ All NCBA arbitrators are experienced.