

Why Use NCBA Mediation or Arbitration?

A backlog of cases in our courts frequently causes litigants to wait years for the final resolution of a case. Coupled with the fact that increasing costs to litigate in court may even exceed the amount in controversy, the legal relief originally sought may no longer be needed, or the value of the case might be permanently lost. Throughout the country, there is a growing recognition that court-based litigation may not offer the best remedy for all disputes. This fact has resulted in an increasing use of mediation or arbitration—the most commonly used alternatives to traditional litigation.

The Nassau County Bar Association's (NCBA) Mediation and Arbitration panels provide a way for attorneys and clients to benefit from these expeditious, time-saving, and cost-effective alternatives to resolve disputes that might otherwise be litigated in court.

The NCBA's Mediation and Arbitration panels are available to the public as well as to all legal professionals. Members are trained, highly skilled and qualified attorneys who have been admitted to the New York bar for a minimum of ten (10) years and screened by the NCBA's Judiciary Committee.

Rules and Applications

The NCBA mediation and arbitration rules and forms for commencing a mediation or arbitration proceeding are available online at www.nassaubar.org.

For further information, contact NCBA at 516-747-4070 or info@nassaubar.org.

Costs & Fees

Administrative Cost (per case) \$500

Non-refundable

Arbitrator/Mediator Fees (per hour) \$300

In mediation, all costs and fees are shared equally by all parties unless the parties or their governing agreement provide otherwise. In arbitration, the claimant customarily advances the non-refundable administrative fee of \$500. Arbitrator costs and fees are then usually shared equally by the parties unless the governing agreement provides differently, the parties agree otherwise, or the arbitration award allocates costs and expenses differently.

A deposit of \$1800 is required in all cases to cover the first six hours' worth of mediator or arbitrator time devoted to the case. Where fewer than six hours are spent on the case, any unearned deposit is refunded. Where more than six hours are spent, the parties pay the mediator(s) or arbitrators(s) directly.

Deposits are refundable for up to three days prior to a scheduled date for a mediation session or an arbitration hearing.

Recommendations

Federal, state, and local judges encourage arbitration and mediation as alternatives to court litigation.



NASSAU COUNTY BAR ASSOCIATION

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Mediation & Arbitration



*Alternative Dispute Resolution
Through The
Nassau County Bar Association*

NASSAU COUNTY BAR ASSOCIATION

The leader in providing legal information
and community service on Long Island

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What is the principal difference between mediation and arbitration?

Mediation is a process in which a neutral, third-party (the mediator) works with the parties to reach a mutually agreeable settlement of their dispute. The mediator may assist the parties and their counsel in formulating the terms of their settlement. The mediator's role is to aid in facilitating a settlement agreeable to the parties. The mediator does not have authority to impose a resolution on the parties.

By contrast, in arbitration, the arbitrator (or a panel of three arbitrators if the parties wish) acts like a private judge, hearing testimony, receiving evidence and then rendering a binding award. A court can confirm that award, which can become an enforceable judgment.

What kinds of disputes are handled by the NCBA's Mediation and Arbitration panels?

Mediation or arbitration may be used to resolve disputes capable of being decided by a court. The subject matter of cases appropriate for mediation or arbitration is broad and includes commercial, breach of contract, product liability, labor, medical malpractice, negligence, divorce, estate and trust, and employment disputes, guardianship contests, and many others.

Who are NCBA's mediators and arbitrators?

NCBA's mediators and arbitrators are highly skilled, qualified attorneys who have been admitted to the bar for a minimum of ten (10) years and screened by NCBA's Judiciary Committee. The parties and their counsel are presented with a list of trained and experienced mediators or arbitrators whom they mutually select.

What are the benefits of NCBA MEDIATION?

√ Mediation is informal and confidential. The parties meet with a mutually selected impartial and neutral person who assists them in reaching a resolution of their differences.

√ Mediation is an alternative method to resolve a dispute quickly and satisfactorily, without the expense and delay associated with most court cases.

√ A mediation can be conducted at any time, whether before, during, or even after a court determination if the parties agree.

√ The mediator does not determine who is right or wrong and does not issue a decision in the case. Instead, the mediator works with the parties in seeking to resolve their dispute by developing their own solutions to their differences.

√ Mediation allows the parties to create their own solutions in ways which may not be available from a court of law.

√ A successful mediation can result in a binding agreement between the parties that permanently resolves their dispute.

What are the benefits of NCBA ARBITRATION?

√ Arbitration is generally considerably less time-consuming and more cost-effective than traditional litigation in resolving legal disputes.

√ The expenses associated with jury selection and appeals are eliminated.

√ Costly discovery proceedings are minimized and/or truncated.

√ The arbitrator's decision is final, legally binding, and can be made enforceable as a court judgment under federal and New York law.

√ Arbitration hearings can be scheduled at times and places convenient to the parties and their attorneys.

√ While usual legal rules applicable to trials in court are generally observed, arbitrators have greater latitude in the conduct of arbitration hearings.

√ The NCBA arbitration rules are designed to be user-friendly.

√ Under the NCBA arbitration rules, a decision must be rendered within 30 days after hearings are closed (unless the parties agree otherwise).