

## 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 an agreeable settlement of their dispute. The mediator does not have authority to impose a resolution on the parties.

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



## WHAT KINDS OF DISPUTES ARE HANDLED BY NCBA 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, employment disputes, guardianship contests, and many others.



## WHO ARE NCBA MEDIATORS AND ARBITRATORS?

NCBA 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 the NCBA Judiciary Committee. The parties and their counsel are given a list of 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 neutral person who assists them in reaching a resolution of their differences.
- Mediation is a method to quickly resolve a dispute without the expense and delay associated with most court cases.
- 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 to resolve their dispute by developing their own solutions to their differences.
- Mediation allows the parties to create their own solutions in ways that may not be available from a court.
- 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 less time-consuming and more cost-effective than traditional litigation.
- Costly discovery proceedings are curtailed.
- The arbitrator's decision is final, legally binding, and may be made enforceable as a judgment under federal and New York State law.

- Arbitration hearings can be scheduled at times and places convenient to the parties and their attorneys.
- While rules applicable to trials in court are generally observed, arbitrators have greater latitude in the conduct of arbitration hearings.
- NCBA arbitration rules are designed to be user-friendly.
- Under NCBA arbitration rules, a decision must be rendered within 30 days after the hearing ends (unless the parties agree otherwise).



# WHY USE NCBA MEDIATION OR ARBITRATION?

NCBA ADR Program is cost effective. The up-front cost for an NCBA mediation or arbitration is \$2,300, consisting of the administrative fee to NCBA (\$500), plus a deposit (\$1,800) to cover the first six hours of arbitrator and mediator time at a rate of \$300 per hour. If fewer than six hours are spent on the case, the unearned portion of the deposit will be refunded to the parties. If a case continues past six hours, the parties arrange to pay the neutral directly at the rate of \$300 per hour for the duration of the matter.

NCBA ADR Program information is easy to find. Simply visit [www.nassaubar.org](http://www.nassaubar.org), click on the "For the Public" dropdown menu, and click "Find an Arbitrator or Mediator."

The NCBA ADR Program makes it easy to get started. For an arbitration, click "Agreement to Arbitrate" and complete and return the two-paged document. For a mediation, click "Agreement to Mediate" and complete and return the last page of the three paged document.

## Rules and Applications

The NCBA mediation and arbitration rules and forms for commencing a mediation or arbitration proceeding are available at [www.nassaubar.org](http://www.nassaubar.org).

For more information, contact NCBA at (516) 747-4126 or [info@nassaubar.org](mailto:info@nassaubar.org).

# COSTS AND FEES

<b>Non-refundable Administrative Fee (per case)</b>	<b>\$500</b>
<b>Arbitrator/Mediator Fees (per hour)</b>	<b>\$300</b>

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

## Testimonials

"For years, I have been using mediation services provided by the Nassau County Bar Association. Mediation costs are a lot cheaper while the quality of the mediators and the services provided are equal to other ADR providers. I highly recommend this service." — Michael M., Litigator

"I had the courage to give mediation a chance. I'm glad I did. The mediation process was transparent and efficient. The mediator managed to expose the strengths and weaknesses of my case as well as my opponent's case, all in an open forum, and this created a pathway toward resolution. At the end of the day for a fraction of the cost and time of conventional litigation, the mediator allowed both sides to understand and appreciate each other's arguments, and created the forum that allowed us to embrace a reasonable compromise." — Eli H.

***At the NCBA, we embrace diversity and inclusion. We are committed to supporting our community without regard to race, color, sex, disability, sexual orientation, gender identity or expression, age, or national origin, and without requiring adherence to any religious belief or creed.***

## NASSAU COUNTY BAR ASSOCIATION

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# NCBA ALTERNATIVE DISPUTE RESOLUTION PROGRAM