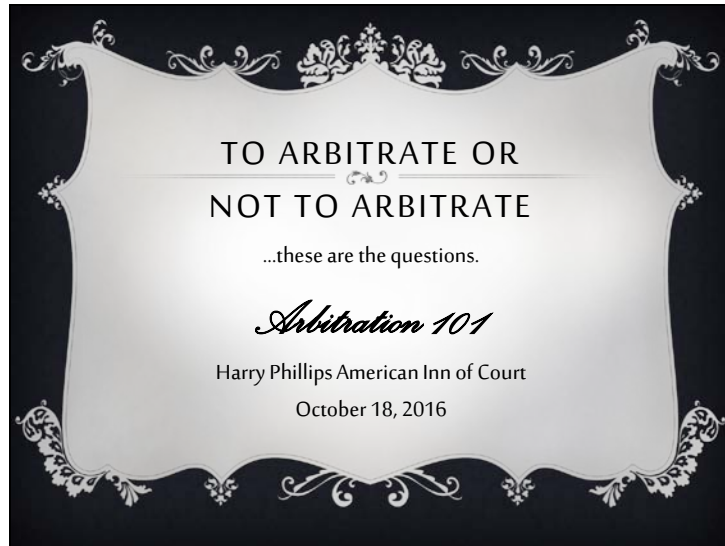
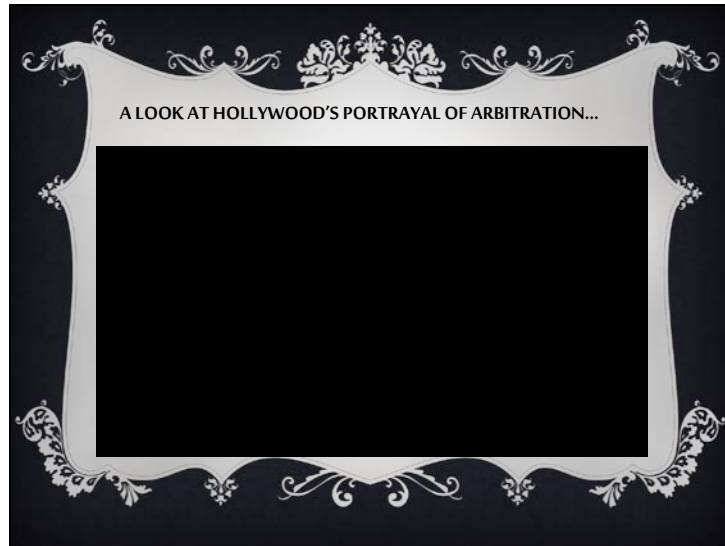


Slide 1



Slide 2



<https://www.youtube.com/watch?v=AYwrGkwCY1o>

History of Arbitration

- Arbitration has a long history.
- In the Bible, King Solomon acted as an arbitrator of sorts when he offered to resolve an issue regarding who was the mother of an infant by proposing to cut the child in half and give half to each woman.
- In ancient Rome, arbitration was the preferred method of settling disputes.
- In England, arbitration is older than the common law system.

Slide 3



REAL WORLD ARBITRATION

- Arbitration is a form of dispute resolution.
- Parties commonly arbitrate because they previously entered into an agreement to arbitrate their disputes.
- Arbitration is a private determination of a dispute by an independent third party or parties.
- An arbitration may involve the use of an individual arbitrator or a tribunal.

Slide 4

WHICH FORMER U.S. PRESIDENT INCLUDED AN ARBITRATION PROVISION IN HIS WILL?

- A. George Washington
- B. Andrew Jackson
- C. Abraham Lincoln
- D. Millard Fillmore
- E. Calvin Coolidge

Option	Percentage
George Washington	0%
Andrew Jackson	0%
Abraham Lincoln	0%
Millard Fillmore	0%
Calvin Coolidge	0%

Answer: A

Slide 5

GEORGE WASHINGTON INCLUDED AN ARBITRATION PROVISION IN HIS WILL TO RESOLVE ANY ARGUMENTS OVER HIS INTENT.

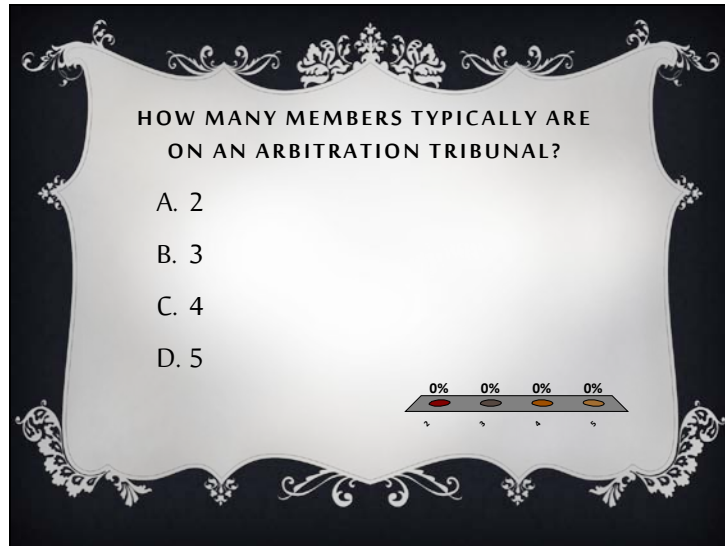
[A]ll disputes (if unhappily any should arise) shall be decided by three impartial and intelligent men, known for their probity and good understanding; two to be chosen by the disputants -- each having the choice of one -- and the third by those two. Which three men thus chosen, shall, unfettered by Law, or legal constructions, declare their sense of the Testators intention; and such decision is, to all intents and purposes to be as binding on the Parties as if it had been given in the Supreme Court of the United States.

A small, square portrait of George Washington in a dark coat, standing and gesturing with his right hand. The portrait is set within a white rectangular frame on a dark background.

George Washington included an arbitration provision in his will to resolve any arguments over his intent.

[A]ll disputes (if unhappily any should arise) shall be decided by three impartial and intelligent men, known for their probity and good understanding; two to be chosen by the disputants -- each having the choice of one -- and the third by those two. Which three men thus chosen, shall, unfettered by Law, or legal constructions, declare their sense of the Testators intention; and such decision is, to all intents and purposes to be as binding on the Parties as if it had been given in the Supreme Court of the United States.

Slide 6



Answer: B

Slide 7



Answer: B

- Arbitration involves processes similar to what we see in litigation -- written discovery, depositions, motion practice, and hearings.
- Ultimately, the parties present their respective cases to a third-party neutral or neutrals and then receive a binding decision on the merits.
- The prevailing party can file a motion to confirm the arbitration award in court. And, the non-prevailing party may file a motion to vacate the award.

Slide 8

AN ADVANTAGE OF ARBITRATION IS...

- A. The parties typically can choose the arbitrator or arbitrators.
- B. Arbitration is less formal than a court proceeding.
- C. Arbitration is not public.
- D. All of the above.

0% 0% 0% 0%

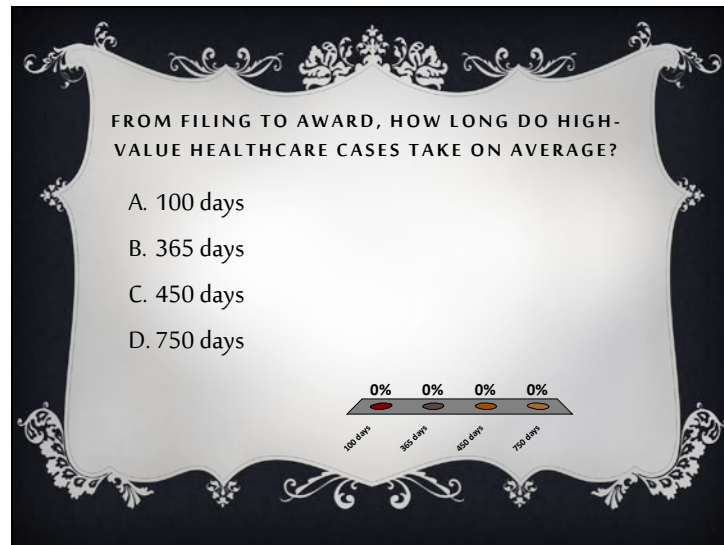
The parties typically can...
Arbitration is less formal...
Arbitration is not public...
All of the above.

Answer: D

Advantages of Arbitration

- The parties typically can choose the arbitrator or arbitrators. This is helpful when the subject matter requires expertise.
- Arbitration is less formal than a court proceeding. Conferences and hearings typically are handled by telephone. The parties can communicate directly with the arbitrator or arbitrators, provided that all sides are privy. The hearings usually occur in a conference room with the players seated around tables.
- Arbitration is not public. While court proceedings generally are available to the public, arbitrations are private with no requirements of openness.

Slide 9



Answer: C

Arbitration typically is faster. AAA statistic: In healthcare cases with a value over \$500,000, 476 days elapsed between filing to award in one-arbitrator matters. 561 days elapsed between filing to award in three-arbitrator matters.

- There typically is limited discovery, thereby reducing cost. However, some parties want (and will be allowed to pursue) full-blown discovery.

Slide 10

A DISADVANTAGE OF ARBITRATION IS...

A. Decisions are not binding, thus delaying finality for injured parties.

B. Grounds for vacating an award are limited. In most cases, the award is final and not subject to review.

C. The parties do not pay the arbitrator or the tribunal, and there are no filing fees. Thus, there is widespread abuse of the arbitration process.

0% 0% 0%

Decisions are not binding...

Grounds for vacating an...

The parties do not pay th...

Answer: B

Disadvantages of Arbitration

- If the arbitration is mandatory and binding, the parties waive their rights to have a judge or jury decide the case.
- The grounds for vacating an award are limited. In most cases, the award is final and not subject to review.
- The parties do not have to pay the judge or jury, but they do have to pay the arbitrator or tribunal.
- The filing fees are much higher than comparable fees charged by the courts.

