



Mediation

Mediation involves an attempt by the parties to resolve their dispute with the aid of a neutral third party. The mediator's role is advisory. The mediator may offer suggestions but resolution of the dispute rests with the parties themselves. Mediation proceedings are confidential and private.

The Benefits

1. Parties are directly engaged in the negotiation of the settlement;
2. The mediator, as a neutral third party, can view the dispute objectively and can assist the parties in exploring alternatives which they might not have considered on their own;
3. As mediation can be scheduled at an early stage in the dispute, a settlement can be reached much more quickly than in litigation;
4. Parties generally save money through reduced legal costs and less staff time;
5. Parties enhance the likelihood of continuing their business relationship;
6. Creative solutions or accommodations to special needs of the parties can become a part of the settlement;
7. In the interest of swift and low-cost dispute resolution, arbitrations pending under the Rules of the American Arbitration Association can be submitted to mediation under the applicable mediation rules at no additional administrative fee.





Arbitration

Arbitration is referral of a dispute to one or more impartial persons for final and binding determination. Private and confidential, it is designed for quick, practical, and economical settlements. The arbitrators may be attorneys or businesspersons with expertise in a particular field. The parties control the range of issues to be resolved by arbitration, the scope of the relief to be awarded, and many of the procedural aspects of the process. Arbitration is less formal than a court trial. The hearing is private. The courts review few awards because the parties have agreed to be bound by the decision of their arbitrator. In some cases, it is prearranged that the award will only be advisory.

The Benefits

1. **SPEED:** Despite the best efforts of our court systems to improve processing time of civil disputes, the burdens of criminal cases, tight budgets, and other factors still create delays of years to bring a case to court in many jurisdictions. Appeals extend the time required to reach a final result still further.
2. **CHOICE AND EXPERTISE OF IMPARTIAL NEUTRALS:** Parties who resolve their disputes through ADR enjoy the assistance of neutrals who are already expert in the subject matter of their disputes. The AAA's panel consists of expert and knowledgeable neutrals from many professions and industries.
3. **INFORMALITY and FLEXIBILITY:** Alternative dispute resolution is conducted in a manner that is more businesslike than litigation. Each party tells its side of the story to the arbitrator in an atmosphere that is less formal than a court proceeding.
4. **PRIVACY:** Arbitration, Mediation and other forms of ADR are not open to public scrutiny like disputes settled in court. The hearings and awards are kept private and confidential, which helps to preserve positive working relationships.
5. **ECONOMY:** Time saved is money saved. ADR processes are designed to be faster, more streamlined, and more informal than litigation. Many of the costly procedures associated with formal court processes, such as filing appeals and motions, can be eliminated.
6. **FINALITY:** AAA arbitration awards are final, binding, and legally enforceable, subject only to limited review by the courts. The court does not second-guess the arbitrator's decision as to the facts or the law. Of course, parties may also agree in advance that awards will be advisory only.

