



ARBITRATION

Definition Arbitration is a process managed by a dispute resolution practitioner called an arbitrator. The participants present points of view and facts for the arbitrator, who then decides on the outcome. The decision of the arbitrator is usually binding on the parties and can be enforced in the courts. The parties to the dispute choose the arbitrator or someone to appoint the arbitrator. The arbitration process can be confidential¹ and have other procedural controls established by the parties in advance.

Outcomes A binding decision.

Features Usually expeditious when compared with litigation. The parties and the arbitrator can choose the process limits and procedures that suit the dispute. The arbitrator can be an expert in the technical field, for example IT or building, and/or an expert in facilitating a rapid and fair outcome.

Method Parties agree to engage an arbitrator who then manages the process/es. Arbitrator helps the parties to agree on processes or decides the process, hears the evidence as presented by the parties (can be informed by documents and site visits) and gives a binding decision in writing.

¹ NADRAC definition www.nadrac.gov