

# Arbitration Is Not Litigation

Making the Right Choice  
In the Right Way

1



First – Know the Differences  
There are Benefits and Disadvantages

2

## The First Step

---

### Litigation

- Suit is filed.
- Rules of Civil Procedure

### Arbitration

- Contract Clause
- Agreement of the Parties

## Procedure

---

### Litigation

- Fixed rules of procedure
- Motions to modify

### Arbitration

- Ad hoc or institution rules
- Modify by agreement and arbitrator consent

# Decisions

---

## Litigation

- Jury determines facts
- Judge applies law and enters judgment

## Arbitration

- Arbitrator determines facts and renders the award

# Scheduling and Hearing

---

## Litigation

- Judge issues pretrial order
- Continuances and delays

## Arbitration

- Parties suggest schedule
- Schedule and hearings are firm

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Arbitration is NOT Litigation

Also available as part of the eCourse

[Hooked on CLE: April 2024](#)

First appeared as part of the conference materials for the  
30<sup>th</sup> Annual Labor and Employment Law Conference session  
"Arbitration is NOT Litigation"