

# Arbitration Is Not Litigation

Making the Right Choice  
In the Right Way

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First – Know the Differences  
There are Benefits and Disadvantages

2

## The First Step

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### Litigation

- Suit is filed.
- Rules of Civil Procedure

### Arbitration

- Contract Clause
- Agreement of the Parties

## Procedure

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### Litigation

- Fixed rules of procedure
- Motions to modify

### Arbitration

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

# Decisions

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## Litigation

- Jury determines facts
- Judge applies law and enters judgment

## Arbitration

- Arbitrator determines facts and renders the award

# Scheduling and Hearing

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## Litigation

- Judge issues pretrial order
- Continuances and delays

## Arbitration

- Parties suggest schedule
- Schedule and hearings are firm

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## Title search: Arbitration is NOT Litigation

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30<sup>th</sup> Annual Labor and Employment Law Conference session  
"Arbitration is NOT Litigation"