

ACRELive

ARBITRATION

- I. ADR Basics – SAMUEL – I & II TOGETHER TOTAL 7 MINUTES
 - A. Purpose of ADR
 - B. Negotiations
 - C. Mediation
 - D. Arbitration

- II. Arbitration Can Be Binding or Non-Binding - SAMUEL

- III. Administrating Authority & Rules to be Applied – LARRY – TOTAL 5 MINUTES
 - A. American Arbitration Association
 - B. JAMS
 - C. Private Arbitrator

- IV. Advantages of Arbitration – SAMUEL – 5 MINUTES
 - A. Decision Makers Familiar With the Industry
 - B. Confidentiality
 - C. Expedited Process

- V. Disadvantages of Arbitration – LEE – 5 MINUTES
 - A. Limited or No Discovery
 - B. Limited or No Appellate Rights
 - C. Could Be Expensive if Administering Authority Charges Filing Fees
 - D. Rules of Evidence Don't Apply
 - E. No Consolidation

- VI. Best Practices for Drafting Arbitration Clauses – APPROX 3-4 MINUTES / TOPIC EXCEPT AS NOTED
 - A. Scope of Disputes to be Covered by Arbitration Clauses - CARY
 - B. Add Consolidation Procedures to All Affected Contracts - LARRY
 - C. Contract for Discovery Rights & Parameters - SAMUEL
 - D. Relationship Between Negotiation, Mediation & Arbitration - LARRY
 - E. Choice of Law & Venue - SAMUEL
 - a. State vs Federal Law
 - F. Make Award Enforceable by Court to Avoid Party Withdrawals from Process - LARRY
 - G. Scope of Recovery: Punitive Damages, Attorney Fee Awards, Others? - CARY
 - H. Solo Arbitrator vs Panel - LEE
 - I. Specify Final Hearing Location – LEE – 30 SECONDS
 - J. Contract to Scope of Appellate Rights? - SAMUEL
 - a. AAA Appeals to Alternative Panel
 - b. Can Parties Contract to Appellate Standard of Review?
 - K. Consistency Among Chain of Contracts - LARRY

- VII. Advantages and Disadvantages of Arbitrations By Zoom – CARY – 5 MINUTES
- A. What procedures should govern?