FREQUENTLY ASKED QUESTIONS

ARBITRATION

What are the benefits of arbitration?

- It is usually faster than going to court.
- You may need less “discovery” (information gathering and depositions), which saves you time and money.
- It is less formal than going to court.
- The arbitrator makes a decision (“award”) that is binding and can be enforced.
- It can be entirely confidential, except for the award itself.
- The process can be tailored to your specific conflict.

Who Can Use Arbitration?

Anyone with a dispute can resolve it through arbitration. Parties have input into the way the arbitration process. They will enter into an “arbitration submission” agreement with the arbitrator that can cover: confidentiality, exchange of information and documents, how testimony is done (in-person or by declaration/affidavit), and how information is provided to the arbitrator (documents only or a hearing that can be in-person, by phone or other means). More detail is available in state law RCW 7.04A.
http://apps.leg.wa.gov/rcw/default.aspx?cite=7.04A

How does it work?

The Referral: You will get a referral to an arbitrator. The arbitrator will talk with you about your situation and help you decide whether arbitration would be helpful. If you decide to move forward with arbitration, the arbitrator will explain the process and the costs involved. The first 30 minutes of this consultation are free with a referral from KCBA.

Setting up the Arbitration: You will work with the arbitrator to set the date(s) and time(s) for the arbitration. Some arbitrations are done in just one meeting, while others may take multiple meetings.
The Arbitration: In arbitration you and the other party(ies) will present your arguments and supporting information to the arbitrator. This can be done in a “hearing” (like court but less formal) or by submitting documents to the arbitrator on paper or electronically.

The Results: The arbitrator will make a decision (an “award”) based on the information presented and the law. In the agreement to arbitrate the parties will decide whether the award is to be a “standard award,” which includes only the decision, or a “reasoned award,” which also gives an explanation of the arbitrator’s analysis of the claims and reasons for reaching the specific decision.

Is it confidential?

The written agreement to arbitrate must provide for confidentiality so that the process and evidence remain confidential. The arbitration Award is not usually confidential, but parties to can agree that any facts and reasoning will remain confidential.

Does Arbitration Work?

For many people arbitration is a faster, less expensive way to resolve legal issues than going to court and can provide a confidential and informal setting.