



Al Vance

Mediator and Arbitrator
Vance Dispute Resolution, PC

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ARBITRATION VS. MEDIATION

ARBITRATION

- Decision (award) issued by arbitrator.
- Arbitrator controls the outcome.
- Arbitrator is given power to decide.
- Final and binding decision.
- Discovery (interrogatories, request for production of documents, request for admissions, depositions) is required.
- Like a judge, arbitrators listen to facts and evidence and renders an award.
- Parties present case, testify under oath.
- Process is formal. Attorneys control party participation.
- Evidentiary hearings.
- No private communication with the arbitrator.
- Decision based on facts, evidence, and law.
- Result is win/lose award.
- More expensive than mediation, but less expensive than traditional litigation.
- Private (but decisions are publicly available).

MEDIATION

- Expedited negotiation between parties.
- Mediator is impartial and facilitates resolution. Parties control the outcome and participation is voluntary.
- Mediator has no power to decide.
- The parties approve settlement.
- Parties exchange information that will assist in reaching a resolution. Customarily, position statements are exchanged
- Mediator helps the parties define and understand the issues and each side's interests.
- Parties present their story, interests and positions, and engage in creative problem-solving.
- Process is informal.
- Both parties and attorneys are active participants.
- Joint and private meetings between individual parties and their attorneys.
- Outcome based on decision of parties.
- Result is confidential, voluntary, and mutually agreed upon.
- Cost and time efficient.
- Private and confidential.

