



Lawyer-Client Fee Dispute Resolution Program
30 Bank Street, New Britain, CT 06051
www.ctbar.org/feedisputes
Phone: (860) 612-2016
Email: fee-disputes@ctbar.org

CBA LAWYER-CLIENT FEE DISPUTE RESOLUTION PROGRAM **SELECTING MEDIATION OR ARBITRATION**

The CBA Lawyer-Client Fee Dispute Resolution Program offers several ways to resolve disputes: mediation, arbitration, or mediation followed by arbitration (if no agreement is reached during mediation). Mediation and arbitration are both effective ways to resolve a dispute. Both mediations and arbitrations with the program are free and generally confidential. Mediators and arbitrators have extensive experience and training and are impartial and neutral.

MEDIATION

In mediation, two people attempt to reach an agreement with the help and guidance of a neutral mediator. If you choose to mediate, no one will make a decision for you, and you can decide whether to enter an agreement. You and the other side may come to an agreement that satisfies you both, but there is no guarantee a resolution will be reached. The process often works, and people frequently leave mediation with an agreement -- even if they've been in conflict for months. Mediation with the program is always voluntary.

ARBITRATION

In arbitration, both sides to a dispute have an opportunity to provide information and documents to a neutral arbitrator. The arbitrator makes a decision or order resolving the dispute. Arbitration is useful when both parties want certainty that there will be an end to the dispute. The arbitrator's decision is binding. Arbitration may not be voluntary. Once each party agrees in writing or is ordered to arbitrate, the arbitration can proceed even if one party chooses not to cooperate or participate.

MEDIATION FOLLOWED BY ARBITRATION

In addition to selecting mediation or arbitration, parties may also choose both processes. If both mediation and arbitration are selected, the parties start with mediation; if no agreement is reached, the parties then participate in an arbitration.

DIFFERENCES BETWEEN MEDIATION OR ARBITRATION AND COURT

Mediations and arbitrations are different than a court case. Mediations and arbitrations are usually much faster than a court case. If your dispute is resolved through mediation or arbitration, you usually do not have to court (and often are not allowed to go to court about the same dispute). In both mediation and arbitration, there is no right to a jury, and an agreement resulting from a mediation or arbitrator's decision cannot be challenged or appealed except in limited circumstances. In a mediation or arbitration, the parties may not be able to demand documents from the other side; in court, each party can require the other side to provide information or documents.

The table on the next page may help you decide which resolution method is right for you.



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Mediation	Arbitration
Free	Free
Confidential*	Confidential*
Fast; many disputes are resolved in a few months	Fast; many disputes are resolved in a few months
Voluntary	Usually voluntary; once a party agrees to arbitration (or if a court or grievance committee orders a party to arbitrate), the arbitrator can enter a binding decision even if a party doesn't participate or changes their mind
Parties have a say in the outcome	Arbitrator makes decisions
Informal discussions facilitated by the mediator	More formal than mediation and less formal than court; parties may use witnesses and evidence
If agreement is reached, the agreement will be written down and parties must abide by the terms of the agreement	The parties must abide by the written decision of the arbitrator
Resolution of the dispute is not guaranteed	The arbitrator will make a binding decision
Promotes cooperative problem-solving and communication; parties are likely to have a better relationship after a successful mediation	Arbitration is efficient; the arbitrator will always make a decision

* The CBA Lawyer-Client Fee Dispute Resolution Program is confidential, but exceptions apply and confidentiality cannot be guaranteed. The mediator or arbitrator and program staff generally will not disclose information or documents provided to them in the program, except as required by a court, grievance committee, or other investigatory body.