

Arbitration practice in construction contracts builders bookshelf series

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How does arbitration work in construction? Arbitration is when disputing parties submit their differences to a neutral third party professional who makes a final award for financial damages, if any. Many disputes between consumers and contractors can be resolved efficiently and in a timely manner through arbitration.

What is the difference between arbitration and litigation in construction? During litigation, a Tampa contractor attorney has the use of evidence as it's advantage. All evidence for both parties will be displayed, as well as the ability for either party to issue a subpoena. Arbitrations use limited evidence, and there are no subpoenas or interviews during the process.

What are the negatives of arbitration? If one party feels the decision is erroneous, there is very limited opportunity to correct it. There are many cases in which arbitration can become more expensive than court proceedings. Quality arbitrators can demand substantial fees that would not apply in court.

What happens when a contract goes to arbitration? In arbitration, you and the other party agree to allow an arbitrator or panel of arbitrators to hear and decide the case. The arbitrators are not sitting judges; they are usually lawyers or retired judges. The decision is binding for both parties and is typically final and cannot be appealed.

Why is arbitration used in construction contracts instead of mediation? Your contract should state BINDING arbitration; you want the issue resolved and finished, the sooner the better. Arbitration, structured properly, usually gets issues resolved much faster than mediation, and often at far less cost.

What is one advantage to arbitration instead of litigation? Flexibility. The arbitration process provides more room for flexibility, including the timing of hearings and even the rules that govern the proceedings. Litigation is much less accommodating, with strict court schedules and little room for parties to tailor the process.

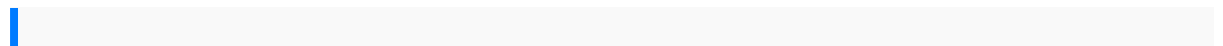
How much faster is arbitration than litigation? American Bar Association research suggests that average arbitration cases take about seven months, while average litigation can take from 23 – 30 months depending on the court schedule.

How does the arbitration process work? The arbitrator listens to both sides, looks at the evidence you've sent in and decides what the outcome should be. In some cases, the arbitrator may choose to have several meetings with you both. When the arbitrator makes a decision, this is called an award and it's legally binding.

How long does an arbitration decision take? If the case settles, an arbitration will last around one year. If the case goes to hearing, an arbitration typically takes 16 months. There are typically seven stages of the arbitration process: Claimant Files a Claim.

How do arbitration agreements work? What is an arbitration agreement? Arbitration agreements require that persons who signed them resolve any disputes by binding arbitration, rather than in court before a judge and/or jury.

Does arbitration lead to settlement? Arbitration is another route to settlement, but unlike the two options discussed above, where resolution is voluntary, it is typically binding. Arbitration is a private court. Like mediation, the parties must voluntarily agree to enter into arbitration; you cannot be forced into arbitration.



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