

Arbitration Is Not Litigation

Making the Right Choice
In the Right Way

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First – Know the Differences
There are Benefits and Disadvantages

2

The First Step

Litigation

- Suit is filed.
- Rules of Civil Procedure

Arbitration

- Contract Clause
- Agreement of the Parties

Procedure

Litigation

- Fixed rules of procedure
- Motions to modify

Arbitration

- Ad hoc or institution rules
- Modify by agreement and arbitrator consent

Decisions

Litigation

- Jury determines facts
- Judge applies law and enters judgment

Arbitration

- Arbitrator determines facts and renders the award

Scheduling and Hearing

Litigation

- Judge issues pretrial order
- Continuances and delays

Arbitration

- Parties suggest schedule
- Schedule and hearings are firm

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[Employment Litigation \(2023\)](#)

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