



FACTS ABOUT COMMERCIAL ARBITRATION

Q. How do I file for arbitration?

A. You will complete either a Demand for Arbitration or a Submission to Arbitrate. Attach a description of your claim and outline the remedy you are seeking. Make certain to include a copy of the contract or document that references arbitration. Submit all materials, along with the appropriate fees, to National Center for Dispute Settlement, 43230 Garfield Road, Suite 130, Clinton Township, Michigan 48038.

Q. Where can I secure NCDS forms?

A. You may call us and we will forward to you an arbitration packet. Case Administrators are available from 8:00 a.m. to 5:00 p.m. EST Monday – Friday at 866.727.8119. You may also go online to www.ncdsusa.org.

Q. At time of filing, what documents must I provide?

A. Two (2) signed copies of your completed Demand for Arbitration or your Submission to Arbitrate. We will also require two (2) copies of the governing document, or the contract that references arbitration under NCDS Rules. Finally, we will require your administrative fee, as determined by the NCDS Fee Schedule set forth in the applicable Rules. Be certain to check the specific set of Rules that apply since the Commercial Rules includes both Standard and Expedited Rules.

Q. How long before my case will be heard by an arbitrator?

A. After we receive your paperwork, and there are no items missing, the first mailing from NCDS will confirm receipt of the paperwork through an initiating letter and provide calendars to the parties, to assist in setting dates for hearing. Once the forms are returned, and a date set (usually within ninety (90) days of the notice in regular proceedings; forty-five (45) in expedited), your case will be heard. Ideally, from start to finish, the case takes ninety (90) – one hundred and twenty (120) days to conclude. NCDS Case Administrators are trained to be sensitive to time issues – it is important to NCDS that cases get processed efficiently and timely.

Q. Do I require an attorney?

A. Arbitration proceedings are structured so that parties can represent themselves. If state law permits, parties also may use non-attorneys to represent them. However, in most cases, parties prefer to retain counsel, as important legal rights are addressed in arbitration, and the resulting award of the arbitrator is generally final and binding. We ask that parties interested in hiring counsel do so promptly, and provide us with notice no less than five (5) days of the scheduled hearing, as outlined in the Rules.

Q. How does arbitration really work?

A. After a case is filed, NCDS will either assign an arbitrator (expedited) or allow you to select an arbitrator (standard) from a list. The arbitrator is not an employee of NCDS; s/he serves as an independent neutral dispute resolution professional. The arbitrator will generally schedule a hearing date based on the parties' availability (noticed through calendars). Most hearings are scheduled within sixty (60) days of the arbitrator's appointment. During the time the case is being scheduled, parties may continue to engage in discovery. Witness lists, if parties will be calling experts or other individuals to testify, should be prepared and exchanged between parties at least thirty (30) days before the start of the hearing. NCDS also will require a copy, to forward to the arbitrator, to ensure that the arbitrator does not have a known conflict with any of the persons listed that might result in disqualification. On the day of the hearing, each side also will be given an opportunity to cross-examine the witnesses of the other side. Once the arbitrator is assured that all evidence has been presented, the hearing is declared closed. The arbitrator has thirty (30) days {ten (10) days under expedited} within which to render an award. This typically represents the end of the process, as the award is self-enforceable.

Q. How is the arbitrator selected?

A. Under the regular procedures, NCDS will provide the parties with an identical list containing an odd-number of names chosen from the National Panel. Each party will rank the arbitrators in order of preference, making certain to strike the names of those arbitrators deemed unacceptable.

Q. What happens once we have the arbitrator's decision?

A. The arbitrator's decision is considered final and binding. This means that parties usually comply with the award without having to go into court to secure an enforcement order. However, there are times when parties do not comply. In that instance, the party interested in enforcing the award must file a motion in court. Under no circumstances will NCDS staff change any aspect of the award.

Q. If I do not like my decision, do I have options?

A. Generally, no. Arbitration decisions, as stated above, are final and binding. In a few instances, such as when fraud, collusion, or partiality by the arbitrator occurs, an award can be overturned by a court. These instances, however, continue to be rare.