

What's the Difference Between Mediation and Arbitration?

Mediation and arbitration are both forms of ADR or alternate dispute resolution. There are distinct differences between the two, and it is important to know which form you would be more comfortable utilizing. Mediation is a low pressure, non-binding form of ADR. If the parties can come to a mutually satisfying agreement, they have the option of signing a legally binding agreement. The mediator, however, is not certified to bind the parties to any agreement to which they do not consent. During mediation, no solution will be forced upon the parties.

Arbitration is generally binding before the law. Though the session is conducted outside the courtroom, the parties must present evidence pertinent to the dispute to an arbitrator who then renders a decision much like a judge. The arbitrator's decision is then binding by law and is not eligible for appeal. This decision may or may not be to the disputants' liking.

Although mediation and arbitration are both alternatives to litigation, there are distinct differences between the two. If you are not sure which form of ADR would suit you best, mediation is always a safe first step. If you try mediation and cannot come to an agreement with the other party, you may still move on to another form of dispute resolution including either arbitration or litigation.

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