

Comparison of Arbitration to Litigation in U.S.

<u>Arbitration</u>	<u>Litigation</u>
Limit on Discovery <ul style="list-style-type: none">• More limited discovery• Reduced cost compared to litigation	Extensive, but costly, discovery
Witness availability is limited	Easier to compel witnesses
Ability to Select Location	Location fixed by court
Ability to Select applicable law	No choice of law
Ability to Select Arbitrator (decision-maker)	Judge Selection is automatic
Attorney's fees can be awarded by Arbitrator	U.S. Rule: each side pays own fees
Confidentiality of the Arbitration	Public Proceeding

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Limited Right of Appeal	Review of all legal issues on appeal
More flexible rules of evidence	Evidence law is fixed
Time limit for decisions	Decisions are often delayed
Limited Emergency Relief	Emergency Relief Available
Arbitrators must be paid	Judges do not charge
Attorney's fees set by arbitrator	Attorney fees normally paid by each side
Limited use of summary proceeding	"Summary proceedings" may make for speedier resolution
Arbitrators don't disclose financial interests	Judges must file financial information for disclosure parties