

OVERVIEW OF BINDING ARBITRATION

If the client petitioner and the lawyer respondent cannot settle the dispute in mediation, they may choose to send the dispute to a binding arbitration panel. Or, the parties may bypass mediation and choose binding arbitration. **The parties must recognize that the results of arbitration may be favorable or unfavorable to their position. The decision of the panel is final.**

If the client petitioner fails or refuses to consent to mediation or arbitration within (30) thirty days, the matter will be closed. If either party, after giving written consent, fails to appear at a scheduled hearing without notice or good cause, the arbitrator(s) will proceed to render a binding decision.

BINDING ARBITRATION HEARING

If all parties agree to binding arbitration, one or more arbitrator(s) will be assigned. All mediators and arbitrators are volunteers. Typically, a sole arbitrator is assigned; however, if the amount in dispute is over \$10,000, a three member panel will be assigned composed of at least one lawyer and one non-lawyer professional.

The hearing will be scheduled as quickly as possible after the assignment to the panel. The parties will receive written notice of the hearing and the names of the individual(s) who will serve on the panel. Both parties will be given the option to disqualify any one proposed arbitrator for good reason by giving notice within (10) ten continuous days prior to the scheduled hearing.

All parties involved in the arbitration are entitled to be heard, to present evidence, to cross-examine witnesses and to have a lawyer present at their expense. If the client petitioner is not represented by a lawyer, s/he may bring a support person to the arbitration hearing who will be asked to maintain confidentiality. The arbitrator(s) will decide how the matter should be resolved and make a decision within (30) thirty days after the hearing closes.

LOCATION OF THE BINDING ARBITRATION HEARING

Usually, the hearing will be conducted either in the county in which the lawyer respondent maintains an office or at another location convenient to the client petitioner or the volunteer arbitrator(s). If it would cause a hardship for one or more of the clients to attend in person, the binding arbitration hearing may be held by telephone conference, although person-to-person arbitration is preferable. The program administrator has the authority to make that determination.

BINDING ARBITRATION AWARD

The decision of the arbitrator(s) will be by majority vote, reduced to writing and signed by the arbitrator(s). Each party will receive a copy.

If the award is in favor of the client petitioner, the lawyer respondent will terminate all claims and interest against the client petitioner or refund any funds due as determined by the arbitration award.

If the award is in favor of the lawyer respondent, the arbitrator(s)' decision will fix the amount to which s/he is entitled.

ENFORCEMENT OF A BINDING ARBITRATION AWARD

Any award by the arbitration panel may be enforced by a court of competent jurisdiction in accordance with the provisions of Chapter 435, RSMo. However, the arbitration award will not be binding without the prior written consent of all parties. It may be necessary to consult a lawyer for advice on how to proceed to collect the arbitration award should that become necessary.