

NON-BINDING ARBITRATION

- Useful when parties seek quick decision, some control
- Can be a recommended decision, or...
- ...decision will become binding if not challenged
- “Med-Arb” variation

ARBITRATION (BINDING)

- An *adjudicatory* process – arbitrator is a “private judge”
- Often contract-based
- Arbitrator identity sometimes specified by contract (VA Code §8.01-581.03 allows courts to appoint an arbitrator when named one is unavailable –see [Schuiling v Harris, 286 VA 187, 747 SE2nd 833 \(2013\)](#))
- Arbitrator often has *subject-matter* expertise
- Final decision has few appeal possibilities
- Decisions usually not precedential
- Decisions usually short and to the point
- Special rules for federal agencies
- Arbitration is controversial in employment context

(Click link to case)