

Typical Benefits of Arbitration:

- Simplified, informal filing and presentation of disputes
- Selection of decision-maker
- Reduced time and deadline pressure
- Reduced attorney fees
- Reduced preparation expense
- No public record or court appearances
- Usually quicker--no waiting on court dockets
- Flexible rules offer adaptability and convenience
- Parties can more easily put the matter behind them



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ARBITRATION: An Alternative to Litigation

Offering Quick and
Economical Dispute
Resolution



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ARBITRATION

An Alternative to Litigation

Arbitration is useful for resolving the common legitimate dispute. It is the informal way to present your side of a dispute for a decision within the parameters you have set. It offers a private and efficient way to present the controversy for a determination. Arbitration is usually quicker and less expensive than litigation.

The Minnesota Supreme Court has adopted rules encouraging mediation and arbitration of cases already in the courts. Parties can also choose to mediate or arbitrate controversies which have not been commenced in the courts. Many other courts and government agencies also encourage mediation and arbitration. These and other forms of alternative dispute resolution have a long tradition in legal systems and cultures.

Arbitration is flexible. The parties to the dispute will select the issues, the form of the decision, other ground rules, and the arbitrator(s).

Identifying the Dispute

Every situation is different. Generally, there is a contract dispute or other matter which parties wish to present for a decision. The contract or other governing documents may limit the parties' options with regard to the issues to be presented, deadlines for commencing, notices required, or the type or location of any arbitration, for example.

The Role of Counsel

Each party will need to have an attorney's expert assistance when deciding whether to use arbitration as well as when and how to proceed. The arbitrator does not serve as attorney for any party. Each must consult an attorney for advice.

Form of Decision

In many cases, the parties are free to determine whether they prefer a binding or non-binding decision. A nonbinding decision is one which either party can choose not to adopt; the decision reflects a considered opinion which may be useful as a basis for further discussions leading to a resolution, for example. A binding decision, on the other hand, allows parties to agree beforehand that the decision

will end the matter. This option is designed to assure no further involvement with the court process.

Other Ground Rules

Some decisions can be made beforehand which will better adapt arbitration for your needs. The parties can take advantage of this flexibility where it will assist in resolving the dispute.

My practice is to offer the parties a range of ground rules to simplify the process.

Selecting the Arbitrator(s)

Disputes can usually be heard and decided by a single arbitrator or some larger number, as the parties choose. The parties have the opportunity to reject a particular arbitrator, and each potential arbitrator can be asked to disclose details of any relationship which could cause a conflict of interest.

How to Proceed

Based upon advice of counsel, each party submits a claim, stating the basic facts and specifying what is requested in the way of a decision. Then each party gathers the written documents and other materials to present that side of the dispute. A hearing is usually held during which parties present the case in common sense fashion. This can include witnesses, exhibits, and written materials. The process is similar to court, but usually simplified, much quicker, less formal, and private.

Hearing or No Hearing

In many instances, matters are presented at a single hearing; other matters can require more than one hearing. It may also be possible to present a dispute without hearing, that is, on the documents and written arguments alone.

The Decision

The decision is rendered soon after the parties have completed their presentations. Each party can then determine how to proceed.

Cost

Each party pays a fee for filing, hearing, and decision, plus charges for any extra services unique to the case. Since my arbitrations are provided independent of any organization, there are no administration fees.

The overall cost generally depends upon the amount in controversy, number of parties, and other specifics. Contact me for a current fee schedule.

Independent Arbitration and Mediation Services

I am a completely independent arbitrator and mediator, not connected with any other firms or attorneys. In my opinion, this independence assists parties to feel assured that their matters are receiving entirely neutral treatment.

Beginning in 1986, my law practice has included arbitration and mediation with private parties, for the courts, and under auspices of organizations administering arbitration programs. My education has included special training in arbitration and mediation through the Hennepin County courts, Minnesota Association of Mediators, American Arbitration Association, Society of Professionals in Dispute Resolution, Minnesota State Bar Association, and the Erickson Mediation Institute. I previously served on bar association committees involved with alternative dispute resolution (mediation and arbitration) and lawyer professionalism.

I serve on the arbitrator panel of the American Arbitration Association, and have arbitrated matters through the Fourth Judicial District (Hennepin County) Alternative Dispute Resolution program. I am also a volunteer mediator of attorney-client fee disputes through the Seventh District Bar Association and have been a frequent arbitrator of No-fault automobile insurance disputes involving insurance companies and insured parties.

I am a Qualified Neutral under Minnesota Court Rule 114 for Mediation and Arbitration.

For Further Information

Contact me for a packet including filing forms, a fee schedule, and rules for arbitrations.

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