



## Med-Arb Dispute Resolution Program

Saviñón Mediation & Arbitration Services offers a structured **Med-Arb Dispute Resolution Program** – a hybrid process that integrates mediation and arbitration into a single, streamlined proceeding.

This program provides parties with a meaningful opportunity to resolve the dispute voluntarily, while ensuring a binding and enforceable adjudication if settlement is not achieved.

Med-Arb is particularly suited for matters where efficiency, cost control, confidentiality, and finality are paramount.

### Program Overview

The Med-Arb process begins as mediation. The neutral facilitates structured settlement negotiations in a confidential setting designed to promote candid discussion and voluntary resolution.

If the dispute does not resolve in full, the proceeding transitions to binding arbitration before the same neutral, who then serves in an adjudicative capacity and issues a written award.

This integrated structure preserves the flexibility of mediation while eliminating the delay and duplication associated with appointing a separate arbitrator.

Participation requires the informed, written consent of all parties.

### Process Structure

#### Phase I – Mediation

- Confidential settlement conference
- Joint sessions and/or private caucuses
- Focused submissions tailored to expedited engagement
- Neutral facilitation aimed at voluntary resolution

#### Transition

If full resolution is not achieved, the matter proceeds to arbitration pursuant to the parties' prior written agreement. At transition:

- The neutral assumes the role of arbitrator
- Procedural parameters are confirmed on the record
- The evidentiary framework and hearing schedule are established



## Phase II – Arbitration

- Structured case management conference
- Limited, proportionate discovery as determined necessary
- Evidentiary hearing (in person or remote)
- Binding written award

The arbitration award is final and enforceable under applicable federal and state arbitration law.

The process is structured to ensure that settlement discussions do not compromise impartial adjudication.

## Case Qualifications

- Personal injury claims
- Two-party disputes
- Matters appropriate for private adjudication

Eligibility is determined upon intake review; acceptance into the program is at the neutral's discretion.

## Why Parties Choose Med-Arb

- **Efficiency**  
Avoids duplication of process and eliminates the need to retain a separate arbitrator.
- **Continuity**  
The neutral's familiarity with the dispute reduces redundancy and accelerates adjudication.
- **Cost Control**  
Streamlined scheduling and procedural structure limit unnecessary expense.
- **Finality**  
If settlement efforts do not succeed, the matter concludes with a binding award.
- **Confidentiality**  
Proceedings remain private and outside the public court system.



## Fee Structure

### Mediation Phase

- The mediation phase is billed at the mediator's standard hourly rate with a three (3) hour minimum for half-day session and six (6) hour minimum for full-day sessions. *Please contact our office to obtain the current rate.*
- Unless otherwise agreed in writing, mediation fees are shared equally by the parties.

### Arbitration Phase (*if triggered*)

If the matter transitions to arbitration:

- The arbitration phase is billed at the arbitrator's standard hourly rate.
- A deposit may be required prior to commencement of the arbitration phase.
- Fees are shared equally unless otherwise provided in the parties' agreement or allocated in the final award.

For comprehensive information concerning billable time parameters, invoicing protocols, payment obligations, deposits, and governing administrative terms applicable to **Phase I (Mediation)** and **Phase II (Arbitration)**, please consult our *Mediation Fees & Terms* and *Arbitration Fees & Terms*.

In the event of any inconsistency between the terms set forth in the applicable **Med-Arb Engagement Agreement** and the **Mediation Fees & Terms** or **Arbitration Fees & Terms** as published on this website — or to the extent any matter is not addressed in those published terms — the **Med-Arb Engagement Agreement** shall control.

## Procedural Integrity & Safeguards

Because Med-Arb involves a transition from facilitative mediator to adjudicative arbitrator, the process is conducted with defined safeguards designed to preserve fairness, impartiality, and enforceability.

### Informed Written Consent

All parties must execute a written agreement expressly consenting to:

- The neutral serving in both capacities
- The transition mechanism
- The binding nature of any resulting award

Participation is voluntary and may be declined if any party objects to the dual-role structure.

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## Phase Delineation

The mediation and arbitration phases are formally separated. Upon transition:

- The mediation phase is deemed concluded
- The arbitration record is defined
- Evidence intended for arbitral consideration must be formally introduced

Confidential caucus communications are not considered in the arbitration phase unless expressly authorized for disclosure.

## Vacatur Risk Considerations

The parties acknowledge that Med-Arb may present potential grounds for post-award challenge if procedural safeguards are not observed. To mitigate risk:

- Procedural parameters are confirmed on the record
- Parties are afforded full opportunity to present evidence and argument
- The award is grounded in the evidentiary record developed during the arbitration phase
- The proceeding is conducted pursuant to the Federal Arbitration Act and applicable state law.

The neutral does not rely on confidential settlement communications when acting as arbitrator.

## Ethical Framework

The process is administered consistent with:

- Applicable arbitration statutes
- Governing ethical standards for neutrals
- Principles of due process, impartiality, and equal treatment

If, at any point, the neutral determines that impartial adjudication may reasonably be questioned due to information obtained during mediation, the neutral may decline to proceed as arbitrator.

## A Deliberate and Disciplined Forum

Med-Arb is most effective where parties seek both a genuine opportunity for negotiated resolution and the certainty of enforceable closure.

For sophisticated parties and counsel managing litigation exposure, trial risk, or time-sensitive disputes, the Med-Arb program offers a private forum designed for efficiency, fairness, and finality.