

**SaundersLaw, PLLC OnlineDisputeService Expedited Arbitration Agreement
Application and Fee Schedule**

Case Name _____ Case number _____

Claimant's attorney _____ Phone _____

Claimant's firm address _____

Claimant's firm Email _____

Claimant's consent to arbitrate () Yes, this document is an Agreement to Arbitrate.

Respondent's attorney _____ Phone _____

Respondent's firm address _____

Respondent's firm Email _____

Respondent's consent to arbitrate () Yes, this document is an Agreement to Arbitrate.

Damages \$ Amount _____

Damages \$ Amount _____

Fixed Fee Schedule and Services

Fee schedule: If the claim/counterclaim is \$0 - \$25,000.00; total fee of \$1,800.00 – with one half (½) per party

Fee schedule: If the claim/counterclaim is \$25,000.00 - \$50,000.00; total fee of \$3,000.00 – one half (½) per party

Fee payment: Payment is due within three (3) business days of the execution of this document. Failure by either party to timely pay their portion of the service fee will result in a termination of the agreement to arbitrate.

Services provided: Scheduling, agenda for initial conference, initial video assisted conference addressing the Arbitration Procedural Considerations on pages 2 and 3, video assisted follow up discovery conference, a one (1) day – 6 hour video-assisted remote hearing within ninety (90) days of the initial hearing, and a reasoned award issued within thirty (30) days of the hearing.

Indication of Initial Conference Scheduling Availability

Please provide four (4) dates and times when you can be available for a one hour (or less) video-assisted conference within the next 10 days between the hours of 8:00 a.m. and 5:00 p.m. The arbitrator will issue a zoom invitation.

Available: Day of month/ time No. 1 _____ Available: Day of month/ time No. 2 _____

Available: Day of month/ time No. 3 _____ Available: Day of month/ time No. 4 _____

Agreement to Arbitrate

Pursuant to the provisions of Article 45C. Revised Uniform Arbitration Act, NCGS 1-569.1, by their signatures, the undersigned agree to arbitrate the case captioned herein with SaundersLaw, PLLC. Confirmation of any award will be by a State or Federal Court of competent jurisdiction.

Signature with Claimant's Authorization

Signature with Claimant's Authorization

Date

Date

Arbitration Procedural Considerations

- Arbitration hearings: While in-person hearings are traditional, increasingly, video-assisted hearings using digital communications platforms such as Zoom, WebEx, Team, etc. are being used to conduct hearings in the post pandemic era. These platforms offer economies and efficiencies.
- Ethical considerations: Arbitrations are conducted in accordance with the N.C. Canons of Ethics and Rules of Professional Responsibility.
- Arbitration Initial Pre-hearing Conference Order: The Initial Pre-hearing conference will cover these issues associated with the use of a video-assisted conference format. Please consider preparing a Video-Assisted Conference and Hearing Order to address issues associated with the use of this model. An excellent outline of the matters to be considered can be found in the AAA-ICDR® Model Order for video conferencing. Among the areas which should be addressed are the following:
 1. An agreement to participate and conduct a videoconference
 2. Or, an order directing its use
 3. Provisions concerning whether the hearing will be transcribed or recorded
 4. Technical aspects such as
 - a. Invitations to attend
 - b. Advance testing of the system
 - c. A back-up conference call line
 - d. Identification of parties attending the conference as witnesses
 - e. Identification of attendees at each session of the hearing
 - f. Presentation of evidence by witnesses in full camera view
 - g. Identification of any unknown participants
 5. Ensure that the technology audio and video is operational at all times
 - a. Ensure equipment is functional
 - b. Eliminate background noise
 - c. Ensure back-up equipment is available
 - d. Use secure WIFI
 - e. Participants should mute screens if not involved in verbal examination
 6. Presentation of evidence by witnesses
 - a. The parties should agree upon a witness attendance policy.
 - b. The Chair will advise the witness of the protocol for the presentation before testimony
 - c. Witnesses should be positioned so that they can be seen and heard.
 - d. Witnesses may not use a virtual background.
 - e. Non-party or expert witnesses should sign off when their testimony is concluded
 - f. The Chair may order the parties or witness testifying remotely to make a 360 scan of the location from which he testifies to ensure that unauthorized persons are not attending the hearing.
 - g. The Chair will advise the witness regarding the process if there is a disruption in testimony.
 - h. The parties are to confer prior to the hearing concerning the exhibits to be presented and the manner of presentation so that the hearing can be efficiently conducted.
 7. Hearing
 - a. At the initial hearing a date shall be set for the final hearing.
 - b. A “virtual waiting room” will be available for witnesses to use to check in.
 - c. The “chat” feature will be disabled.
 - d. “Virtual break-out rooms” will be available for private conversations between counsel and a party or witness.

8. Technical problems

- a. The parties counsel and the Chair will discuss and agree upon procedures to handle a disruption with the connection during the video conference.
- b. A back up system of communications by telephone or email will be developed to ensure that the effects of the disruption are minimal. This may involve a change in the order of witnesses while the cause of the disruption is being minimized.

9. Cost of Video Conferencing

- a. The parties shall bear the costs of the conferencing in equal (50 – 50) shares and agree that these are costs of the arbitration subject to the Arbitrator's orders.

- Arbitration checklist: Please review the TAB entitled Arbitration for an *Arbitration* Checklist of matters to be considered in preparing a case for arbitration.
- Arbitration Pre-hearing Conference Order Form: Please review the TAB entitled *Arbitration* for an Arbitration Checklist of the procedures to be discussed at the initial hearing.
- Expedited hearing procedures: Hearings are conducted in accordance with any private or public set of arbitration protocols upon which the parties can agree. The default arbitration procedures are as provided in Article 45C of the North Carolina Revised Uniform Arbitration Act. It is contemplated that an arbitration will be scheduled for the hearing within ninety (90) to one hundred (100) days of the initial hearing. A reasoned award will be rendered within thirty (30) days of the conclusion of the hearing.
- Video assisted platform: The proceeding will be conducted using the Zoom service platform or such other communications platform upon which the parties agree. Guidelines for the use of Zoom will be provided. You will be asked to confirm by signature your understanding of the guidelines.