

Absent a written agreement to the contrary, the parties will be responsible for an equal share of the fees and expenses of the mediator/arbitrator.

**WHOM CAN I CALL ABOUT MEDIATION OR ARBITRATION IF I HAVE SPECIFIC QUESTIONS OR JUST WANT TO LEARN MORE ABOUT THE PROGRAM?**

Contact the Dauphin County Bar Association at (717) 232-7536 and you will be promptly provided with a complete packet of information and forms. If this information does not answer all of your questions, please do not hesitate to call or contact the Bar Association office and let the staff know of your need for additional information, and someone will call or contact you.

*Our Court constantly strives to provide expeditious resolution of all civil cases brought before us. However, we recognize that some disputes can be resolved at less expense and delay without formal judicial procedures.*

*We believe that the Dauphin County Bar Association's Alternative Dispute Resolution Program, operating responsibly outside the supervision of our Court, provides the facility to resolve disputes promptly and at potentially lower cost than if litigated more traditionally through the Court process. It is thus a welcome adjunct to our judicial system.*

**Joseph H. Kleinfelter**  
**President Judge**  
**Dauphin County Court of Common Pleas**



*Dauphin*  
County Bar Association



*Civil Dispute  
Resolution  
Program*



---

## **WHAT IS THE DAUPHIN COUNTY BAR ASSOCIATION CIVIL DISPUTE RESOLUTION PROGRAM?**

The program is administered by the Dauphin County Bar Association and intended to offer mediation and arbitration services as a more efficient means of resolving certain disputes without costly and time consuming litigation.

## **WHAT IS THE DIFFERENCE BETWEEN MEDIATION AND ARBITRATION?**

Mediation is essentially a resolution discussion involving the parties, their counsel, and a neutral third party who is trained in the facilitation of, and assistance with, resolution negotiations. The mediator does not make any decisions for the parties, evaluate the case, or give advice. All information revealed in the course of mediation is confidential, unless otherwise provided for by law.

Mediation offers a less structured way for the parties to explore and negotiate multiple resolution options with the assistance of a specially trained mediator. With mediation, there is no binding decision. Any resolutions reached through mediation must be agreed to by the parties and their counsel.

Generally, a dispute is appropriate for mediation unless:

- The result requires a determination of an issue of law.
- A party wants a determination of who is right.
- A party, or the parties, would like the result of a proceeding to serve as precedent.
- The result of a proceeding would establish a policy (unless all the stakeholders collaborate for the purpose of setting a policy).

Arbitration involves a more structured format, leading to a binding decision by the arbitrator. Arbitration is conducted in accordance with the common law arbitration provisions set forth in 42 Pa.C.S.A. §7341 et. seq. However, there are numerous options available to the parties concerning limits on any awards entered by the arbitrator. In fact, the parties are free to set any mutually agreeable limits.

---

---

## **WHAT KIND OF CASES ARE ELIGIBLE?**

All civil disputes except those involving divorce, equitable distribution, custody, child or spousal support, alimony, alimony pendent lite or paternity, and cases before the Orphans' Court Division.

## **WHAT ARE THE BENEFITS OF THE DAUPHIN COUNTY BAR ASSOCIATION CIVIL DISPUTE RESOLUTION PROGRAM OVER MANDATORY ARBITRATION IN THE COURT OF COMMON PLEAS?**

Because of the automatic right of appeal in mandatory court arbitration, statistics show that up to 60% of the decisions rendered are appealed. The civil dispute resolution program rules track the common law arbitration rules in accordance with 42 Pa.C.S.A. §7341 et. seq., which limit appeals to very specific instances such as fraud and failure to be fairly heard. Unlike court arbitration, this program can also include cases involving any amount of money in controversy.

## **DO THE PARTIES PARTICIPATE IN SELECTION OF THE MEDIATOR/ARBITRATOR?**

Absolutely. The Dauphin County Bar Association has a list of approved mediators and arbitrators. The parties may, within 20 days from the date they submit the mediation/arbitration agreement, select the name of a mutually agreeable mediator/arbitrator and provide that name to the Bar Association. If the parties are unable or unwilling to select a mediator/arbitrator within 20 days, the Association will make a random rolling assignment of one of the mediators/arbitrators from the approved list. A list of the mediators and arbitrators who are approved by the Dauphin County Bar Association is available from the Bar Association.

## **WHERE IS THE MEDIATION/ARBITRATION CONDUCTED?**

It can be conducted at the Bar Association, at the mediator/arbitrators office, or at any location which is agreeable to the parties and the mediator/arbitrator.

---

---

## **IS THE BAR ASSOCIATION CIVIL DISPUTE RESOLUTION PROGRAM SUPPORTED BY THE I DAUPHIN COUNTY BENCH?**

Yes. The Dauphin County Bench has endorsed the program's mission to offer services designed to assist litigants and potential litigants with resolution of disputes.

## **MUST A CASE BE PENDING IN THE COURT IN ORDER TO BE ELIGIBLE FOR MEDIATION OR ARBITRATION?**

No. In fact, in many instances, mediation and/or arbitration can assist parties in resolving a dispute before a complaint is even filed.

## **HOW IS A REQUEST TO MEDIATE/ARBITRATE PROCESSED?**

The parties seeking to submit a dispute for mediation/arbitration need to complete a Request Form and submit it to the Dauphin County Bar Association, along with a fee in the amount of \$500.00. A request to mediate/arbitrate must represent that all parties view the mediation/arbitration as a potential aid to the resolution of their dispute.

## **HOW MUCH DOES MEDIATION/ARBITRATION COST?**

The initial cost is \$500.00. An initial \$50.00 Administration Fee, paid to the Bar Association, is nonrefundable. The \$450.00 initial mediator/arbitrator fee is only refundable up to the point in time when a mediator/arbitrator has been appointed. Thus, if a case is successfully mediated or an arbitration is concluded at the initial two-hour session, each side would only have a fee of \$250.00, by sharing the total fee of \$500.00.

The initial \$450.00 covers the preliminary review by the mediator/arbitrator and preparation for mediation or arbitration, as well as the initial two-hour session. In the event that the initial session of mediation/arbitration exceeds two hours in length, the parties agree to bear equally an hourly fee for the mediator/arbitrator in the amount of \$150.00 per hour.

---