

Arbitration is a solution that's fair to everyone

By ROGER HAYDOCK

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The article "Arbitrary concern for the National Arbitration Forum" (Business, May 11) provided an unfair, unbalanced and inaccurate view of the way that the National Arbitration Forum handles consumer cases in arbitration. The story relied heavily on the impressions of a few academics and trial-lawyer advocacy groups, not on the facts.

Here is the real story.

With the Forum, disputes are resolved more quickly and less expensively than in court, benefiting everyone, including consumers and businesses. The Forum's rules and procedures ensure that outcomes are the same as in court, that consumers are afforded access to justice and that decisions follow the law.

Arbitration outcomes are fair. Arbitrators on the Forum panel are experienced attorneys and former judges who must follow the law when deciding cases. Research of Forum arbitration outcomes shows that consumers win in arbitration at the same rate they win in court. Moreover, court judges review arbitration decisions before they become enforceable.

The Forum's arbitrator-selection process is fair. Parties have the right to remove one arbitrator without providing a reason. This is identical to the procedure for removing a judge in dozens of states' courts, including Minnesota's. Removing an arbitrator is not an invitation to bias: The replacement arbitrator will be another experienced legal professional who will fairly decide the case based on the merits.

The Forum created specific rules to level the playing field for consumers. The availability of document-based hearings benefits consumers because it enables them to bring or defend a claim without missing work and losing wages. This is especially beneficial for consumers of modest means; in studies of court proceedings, borrowers often cite their inability to miss work as a reason for their failure to appear in court and contest a claim.

Allegations of bias contained in the article are not new and not true. For example, in 2000 a Texas federal court rejected nearly identical bias accusations, stating "[t]he Court is satisfied that NAF will provide a reasonable, fair, and impartial forum within which plaintiffs may seek redress for their grievances."

These bias accusations against the Forum are promoted by vested interests whose goal is to limit arbitration for consumers, forcing them to use expensive and lengthy litigation. The largest association of trial lawyers in the world put the fight against arbitration at the top of its agenda.

One-sided rhetoric from biased interests opposed to arbitration needs to be balanced with facts about how Forum arbitration works. The fact is, Forum arbitration provides access to fair and affordable civil justice to all parties, consumers and businesses.

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