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How do I Select an Arbitrator or Mediator?

Many arbitrators have received training through the South Carolina Bar or the American Arbitration Association. Also, many mediators have completed an approved 40 hour training course in civil or family mediation.

Just as you would do when choosing a lawyer or any other professional service provider, you should ask about training and experience. Your lawyer may be able to recommend an arbitrator or a mediator. Refer to the Yellow Pages or contact the following organizations for lists of arbitrators and mediators.

- **South Carolina Council For Mediation and ADR**
2320 Devine St.
Columbia, SC 29205
Phone: (803) 771-9200
Fax: (803) 771-8899
- **South Carolina Court Administration**
P.O. Box 50447
Columbia, SC 29250
Phone: (803) 734-1800
Fax: (803) 734-1821
- **South Carolina Bar Pro Bono Program**
P.O. Box 608
Columbia, SC 29202
Phone: (803) 799-4015
Fax: (803) 799-4118

To access prerecorded information on ADR, call the South Carolina Bar's LawLine. If you are calling from the Columbia area, dial 771-0011. If calling from anywhere else in South Carolina, dial 1-800-521-9788. Follow the recorded instructions. The topic code for ADR is 200.



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P.O. Box 608, Columbia, SC 29202-0608
(803) 799-6653 • Fax: (803) 799-4118
Internet address: <http://www.sctbar.org>

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Alternative Ways to Resolve Disputes



Mediation and Arbitration in South Carolina

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What is Alternative Dispute Resolution (ADR)?

You don't have to go to court to solve a problem with an insurance company, a business, your employer or your neighbor. Even if you are getting divorced, you can use arbitration or mediation to settle your case. ADR is a term used to describe arbitration, mediation and other ways of discussing and resolving disputes outside the courts.

ADR has become popular because it can reduce costs, time and stress for all parties. ADR allows private decision-making early in a conflict without the risks of litigation.

What is Arbitration?

In arbitration a qualified neutral person, the arbitrator, makes a decision after the opposing parties have presented their sides of the dispute in an informal hearing. The arbitrator's decision can be binding or nonbinding. If it is binding, the decision ends the case. If not, the parties can go to court. Both civil and family issues can be arbitrated. All information discussed during the arbitration is confidential.

What is Mediation?

In mediation, conflicting parties meet informally with a trained, impartial mediator without going to court. The mediator helps the opposing

parties reach a voluntary settlement that works for both sides. The mediator does not make decisions and does not require a party to take a position, so the parties maintain control of the outcome. If an agreement cannot be reached, the parties may proceed to court. However, information obtained during the confidential mediation may not be used in court.

In mediation all decisions are made by the parties themselves. Most issues can be mediated—personal injury, employment, family, probate, business and neighborhood disputes. The mediation process varies in length depending on the type of problem and the willingness of the parties to reach a resolution.

How do Attorneys Work with Arbitrators and Mediators?

Arbitrators and mediators are neutral and will not give legal advice. In simple cases, you may be able to use arbitration or mediation without an attorney. More often you will need an attorney who will help you prepare your case and will participate in the arbitration or mediation.

In civil cases, attorneys generally are present with clients in mediation for one or two meetings. In family mediation, parties usually meet with the mediator without attorneys in several conferences.

How is ADR used in South Carolina?

Most arbitration and mediation in South Carolina is voluntary. Clients and attorneys select a neutral arbitrator or mediator for each case. Some business and insurance contracts provide for arbitration or mediation of disputes.

Pilot programs in Richland and Florence Counties require most civil cases to be arbitrated or mediated before a trial will be scheduled. Child custody and visitation cases must be mediated in these counties. It is anticipated that other counties will be added to the pilot programs. Rules established by the Supreme Court set out guidelines for how arbitration in circuit court will work and how mediation in circuit and family courts will work.

What is the Cost of ADR?

Fees for arbitration and mediation services are usually divided between the parties and, like other professional fees, are usually charged on an hourly basis and set by agreement with the parties. Some pilot program fees are set by court rules. Some arbitrators and mediators offer services for a reduced fee to low income people.