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Nonbinding Arbitration Process

We conduct nonbinding arbitration pursuant to FS 44.103, Fla. R. Civ. P. 1.820, and any Court Order mandating it.

- Please avoid *ex-parte* communications with the arbitrator. All submissions are to be communicated to all parties.
- Most Arbitrations are conducted via zoom (we will provide the link). Please advise if the parties agree to live Arbitration at the time of scheduling.
- Unlike mediation, arbitration is not a confidential process. A party may retain a court reporter at its own expense.

Before the Arbitration Hearing

- Please submit a summary of the case 7 to 10 days before the hearing. This may include a proffer of facts as well as legal argument. No specific format is required.
 - o Please be efficient in submission of evidence (such as selected testimony pages rather than entire transcripts).
 - o Evidentiary support may be given greater weight than unsupported proffers.
 - o Evidentiary submissions will be reviewed in their entirety.
 - o All submissions to the Arbitrator must be shared with all parties.

At the Arbitration Hearing

- Failure to attend may result in default decision.
- Typically, Plaintiff will present its case, then Defendant, then brief rebuttal.
- The rules of evidence are relaxed.
- The statute contemplates no live testimony but does not prohibit it.
 - o Please notify the arbitrator of live testimony prior to the hearing.
 - o Witnesses offering live testimony will be sworn and subject to cross examination.
- At the conclusion of the Arbitration Hearing, the Arbitrator may
 - o Close the evidence pending review and decision
 - o Allow supplemental submissions and set expedited schedule for same.

After the Arbitration Hearing

- After the close of evidence, the Arbitrator has 10 business days to review materials and issue an Award.
 - o Notice of the Award is filed with the Court with a sealed copy.
- The parties may seek trial de novo as directed by FLRCP 1.820(h).