

ARBITRATION—SUBMISSION TO ARBITRATION

We, the undersigned parties, agree to submit to arbitration, before Edward J. Costello, and using the Commercial [or Construction or Employment] Rules of the American Arbitration Association [or other rules, e.g., UNCITRAL], the following dispute: [describe dispute *precisely* or refer to pending court case and append pleadings]. We further agree that any court having jurisdiction to do so may enter a judgment upon the award made in this arbitration.

Comment: Unlike mediation, it may be *crucial* to describe precisely just what dispute is being submitted for decision by arbitration. The specifics of this agreement may be used to test whether the arbitrator has exceeded his/her powers. Note that this simple agreement is sufficient to bind a party to go to arbitration. If, for instance, one of the parties should resist arbitration later on, a court could—and would (we trust)—compel that party to arbitrate. If the party continued not to participate in the arbitration, a hearing could be had and a valid award rendered *in his absence*.