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An Explanation of Binding Arbitration

In order to deal with medical malpractice disputes that may arise many physicians are turning to binding arbitration. Binding arbitration is an alternative method of solving disputes or claims that arise between a physician and a patient. The process is less formal and less time consuming, as well as less expensive compared with traditional medical malpractice lawsuits.

We at Fayetteville Urology Associates take great pride in providing the highest quality of medical care to our patients. However, we realize that there are times when some patients will not be satisfied with the outcome of their treatment. In those instances, we recognize that each patient has the right to pursue legal action if they think we have been negligent in some way. While some claims are justified there are also frivolous lawsuits filed in our county, state and country that drive up the cost of delivering medical care, overburden the courts and delay compensation for patients who are truly deserving. We believe that arbitration offers a more economical and expeditious method of resolving these disputes. Under a binding arbitration agreement, both parties give up the right to have any medical malpractice claims resolved by a jury in a court of law. Instead, your claim would be handled by a panel of three arbitrators. An arbitrator is like a judge in that he or she listens to the evidence presented by both sides and decides whether medical malpractice occurred. The patient and the physician each name one person to serve as an arbitrator. These two arbitrators then pick a third arbitrator. The panel of arbitrators set up rules about the witnesses and evidence each side can present, as well as a schedule for the arbitration. If necessary, the arbitrators can issue subpoenas to compel witnesses to appear at a hearing or to obtain documents or other evidence. Each party has the right to be represented by their own attorney. Each party will also have the opportunity to present evidence and witnesses, as well as to cross-examine the other party's witnesses, similar to a court trial. The arbitration panel will listen to the evidence and render a decision. They apply the same laws that a court would but the procedural rules are more relaxed and the hearing is less formal than a trial. Based on the evidence and the law, the arbitrators can award any amount or kind of damages that a court can award.

The benefits of arbitration are many, including time savings, cost savings, the use of an educated and experienced panel of arbitrators who will be more likely to understand the facts of the case, than an average judge, and be able to render a fair and just decision.

We are asking you to sign a binding arbitration agreement. By doing so, you are agreeing to waive your right to a jury trial and instead to submit to binding arbitration. The decision of the arbitration panel is legally binding and cannot be appealed except in extremely limited circumstances, such as in the case of fraud or collusion on the part of the arbitrator. This agreement will automatically renew each year unless it is canceled in writing by you, the patient. You may rescind the agreement for up to 10 days after you sign it.

We hope that you will agree with us that binding arbitration is a fair and equitable method of dispute resolutions for you, the patient, as well as for the physicians of Fayetteville Urology Associates.