

DechertOnPoint

Sample Arbitration Provision

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Dispute Resolution

Should any dispute arise between _____ and _____ during or after the Term, the parties agree to meet to discuss the issues and make good faith efforts to resolve the dispute informally through discussion or mediation. Should such efforts be unsuccessful, any and all disputes between the parties arising under or relating to this Agreement or any other dispute arising between the parties, including claims arising under any employment discrimination laws, shall be adjudicated and resolved exclusively through binding arbitration before the American Arbitration Association pursuant to the American Arbitration Association's then-in-effect National Rules for the Resolution of Employment Disputes (hereafter "Rules"). The initiation and conduct of any arbitration hereunder shall be in accordance with the Rules and the administrative filing fees of the arbitration and the arbitrator's fees shall be split equally between _____ and _____ unless the Arbitrator determines that [EMPLOYEE] shall pay a lesser percentage based upon a showing of financial hardship by [EMPLOYEE]. _____ and _____ shall each be responsible for paying their own attorneys' fees and all other costs they incur related to any arbitration proceeding, except to the extent that applicable law provides for the shifting or the recovery of such fees and costs. Any arbitration hereunder shall be conducted in Philadelphia, Pennsylvania, or such other location as is mutually agreeable to the parties, and any arbitration award shall be final and binding on the Parties. The arbitrator shall have no authority to depart from, modify, or add to the written terms of this Agreement. The arbitration provisions of this Section shall be interpreted according to, and governed by, the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, and any action pursuant to such Act to enforce any rights hereunder shall be brought exclusively in the United States District Court for the Eastern District of Pennsylvania. The parties consent to the jurisdiction of (and the laying of venue in) such court.