



## **Arbitration Award Confirmation and Enforcement Resources**

**Dear FairClaims Claimant-**

You won your arbitration award and the Respondent has yet to pay you, make a payment plan, or is not following through on a payment plan (sorry to hear it). Now what? While we cannot give you legal advice or collect on your behalf, we can provide you with some resources. We can generally be helpful in two ways-

**(1) Connect you with an attorney or paralegal (recommended for \$2.5K+ matters) -**

We may be able to refer you to a paralegal or attorney in your area who can handle the entire process for you, at an hourly or flat rate. It generally costs something like \$250 - \$750 for them to handle this process and pay court filing fees depending on the state/county and their fees. However, if they are successful, you can request to collect those fees from the Respondent in addition to the money they owe you as part of your enforcement. Please contact us if you would like a referral to explore this option.

**(2) Provide you DIY Resources (recommended for matters below \$2.5K) -**

We can provide you with all the FairClaims documentation you need to file a claim with the Court and some resources on what you may need to do to complete your filing with the Court. This is a two step process in which (a) you get your Arbitration Award confirmed with the Court and (b) you file paperwork with the Sheriff so they can levy a bank account, garnish wages, etc. to get payment for you. There would still be a filing fee but you can request fee recovery with your paperwork.

Please keep in mind that, as with Court judgments, the Respondent must actually have a bank account, wages or other assets for you to collect against and that you will need some information about the Respondent to collect, i.e. bank account, business or other personal information. Please email [help@fairclaims.com](mailto:help@fairclaims.com) with any questions.

FairClaims Team

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## Background information you may find helpful

### Arbitration

“Arbitration, a form of alternative dispute resolution (ADR), is a process where two parties make their arguments to an arbitrator, who is a neutral third party, instead of litigating the matter in court. The arbitrator, typically a lawyer or retired judge, makes a decision following the arbitration hearing. The decision is legally binding and enforceable by the court, unless all parties stipulate that the arbitration process and decision are non-binding.”

### Arbitration Award

“An arbitration award is the award granted by the arbitrator in their decision. This award can be money one party has to pay to the other party. It can also be a non-financial award, such as stopping a certain business practice or adding an employment incentive.”

### FairClaims

FairClaims is a 3rd party, web-based, Arbitration & Mediation platform. The Arbitration was not done within the courts, and therefore we can only provide the Arbitration agreement and the Award that can be filed after the Hearing and evidentiary proceedings. The award is a legally binding document as are all Arbitration Awards.

### Credit Bureau Reporting

Some Claimants report delinquent unpaid arbitration awards to credit bureaus like Experian or TransUnion as away to get the Respondent's attention.

## The DO IT YOURSELF option

**You can file paperwork with the Court without hiring an attorney.**

- 1) Print the FairClaims enforcement packet
- 2) Fill out the Confirmation Template
- 3) Serve the Completed Confirmation Template on Other Side via email
- 4) Submit paperwork with the Local Court - your local court may allow for a fax or electronic filing, please call before you go in person since you may not have to leave your home
- 5) Submit sheriff's office paperwork

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## What to bring with you (or electronically or fax file with the court):

Much of this will be provided to you by FairClaims

- **Arbitration Award**

Please print this out, a PDF version can be provided to you by FairClaims. You can access this by logging into your account but please let us know if you need assistance.

- **Arbitration Agreement**

Please print this out and bring it with you. We can provide it or you can access it from the platform 14 days after your Award if handed down.

- **Complete and Provide the Confirmation Template**

Template:

- The **Motion** is for your filing. Complete all yellow sections.
- The **Order** is for the judge to complete. Complete the yellow sections except the judge's name and date.
- The **Memorandum** is like your cover letter. Complete all yellow sections.

- **Federal Arbitration Act** (portion outlining Federal guidelines for Confirmation)

- Please point this out to the Clerk

**U.S. Code** > Title 9 > Chapter 1 > § 9

### 9 U.S. Code § 9 - Award of arbitrators; confirmation; jurisdiction; procedure

US Code

Notes

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If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

(July 30, 1947, ch. 392, 61 Stat. 672.)

*LII has no control over and does not endorse any external Internet site that contains links to or references LII.*

- You are also welcome to bring your state's Arbitration Act (you can ask FairClaims to gather this for you). Please point this out to the Clerk as well.

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## Where to file

The court you want to file these forms in is a court that has jurisdiction over civil matters. Once the court approves, you will need to file a writ of execution and then you have the full aid of the county to garnish wages, levy taxes, etc to ensure payment on your award.

## What are the Fees

There may be fees to file the necessary documents, but please keep in mind that you can tack on any filing fees, attorneys fees and/or interest that the court sees fit.

**Please be aware that there can be some pushback from the clerks themselves.**

**\*\*We want to provide you with some resources to address their concerns\*\***

### What is FairClaims

FairClaims is a 3rd party, web-based, Arbitration & Mediation platform. The Arbitration was not done within the courts, and therefore we can only provide the Arbitration agreement and the Award that can be filed after the Hearing and evidentiary proceedings. The award is a legally binding document as are all Arbitration Awards.

### This does not have a case number

As this was not done in the courts and rather through a 3rd party, there will be no case number until the Court has confirmed the Award. This is simply an Award and needs to be addressed and confirmed within the county in order to be confirmed.

### You need to file a foreign judgement

This is not yet a judgement as it was not given from a Court and has not yet been confirmed. As it comes from a 3rd party Arbitration service, it must first be confirmed through a county to become a judgment.

### This does not have actual signatures

FairClaims does abide by the Federal E-Sign Act, as such the electronic signatures are to be recognized legally as actual written signatures by said party.

- The general intent of the E-SIGN Act is spelled out in the very first section(101.a), that a contract or signature "may not be denied legal effect, validity, or enforceability solely because it is in electronic form".

- [https://en.wikipedia.org/wiki/Electronic\\_Signatures\\_in\\_Global\\_and\\_National\\_Commerce\\_Act](https://en.wikipedia.org/wiki/Electronic_Signatures_in_Global_and_National_Commerce_Act)

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**This states California in the award, there is no jurisdiction for this County**

The seat of the Arbitration is deemed to take place in Los Angeles. Nowhere in the FAA or the State Arbitration Act does it mention location.

Please bring the Clerk's attention to rule 17:

<https://s3.amazonaws.com/arbi-website/fairclaims-rules/FairClaims-Rules.pdf>

“The Arbitrator retains jurisdiction over the parties' dispute unless and until the parties fulfill the obligations of their settlement, whether such settlement is made during, before or after a hearing, and may make an award determination at any time which displaces the settlement until such obligations are fulfilled, for up to one year from the date of entry or notification of settlement.”

This document is not legal advice, and FairClaims cannot provide either party with legal advice, but is a resource we provide to you as part of your arbitration process just as we also provide information to the other side for how to challenge an Arbitration Award should they decide that makes sense.

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