



## AGREEMENT TO ENGAGE IN PRIVATE ARBITRATION

WE, THE UNDERSIGNED PARTIES, HEREBY STIPULATE AND AGREE, individually and through our respective counsel, to the terms of this Agreement to Engage in Private Arbitration ("Agreement").

1. We agree to submit the disputed claim entitled

\_\_\_\_\_

\_\_\_\_\_

to **ADR HAWAII, INC.** ("ADR HAWAII") for a private arbitration in accordance with the following terms and guidelines.

2. We agree that the arbitration will be binding.
3. We agree to faithfully observe our Agreement, that we will abide by and perform any Award rendered by the Arbitrator and that a judgment of the court having jurisdiction may be entered on the Award.
4. We agree and do appoint THOMAS E. CROWLEY to act as Arbitrator herein.
5. We agree to compensate **ADR HAWAII** at the rate of \$275.00 per hour for the arbitration services of the Arbitrator. The fees of the Arbitrator shall be borne by the parties equally. The prevailing party shall be entitled to an award of attorney's fees and costs.
6. We each agree to deposit \_\_\_\_\_ with **ADR HAWAII** prior to the commencement of the Arbitration. Deposits will be held in **ADR HAWAII'S** Clients Trust Account and applied periodically to pay charges for arbitration services and to reimburse costs. The parties agree to make all payments or deposits prior to the commencement of arbitration or issuance of the Award.
7. We agree to hold harmless, release and discharge the arbitrator and **ADR HAWAII** from and against any and all claims, demands, actions, or damages concerning the conduct of the arbitration or the arbitrator's Award.

8. We agree that the laws of the State of Hawaii shall govern this arbitration. This Agreement shall be binding upon and inure to the benefit of ourselves, and our respective heirs, personal representatives, successors, and assigns.

9. This Agreement may be executed in counterparts.

Dated: \_\_\_\_\_  
[Name of party]

By \_\_\_\_\_  
Its

Dated: \_\_\_\_\_  
[Name of party]

By \_\_\_\_\_  
Its

I accept the appointment as Arbitrator in this dispute. I solemnly swear that I will faithfully and fairly hear and examine the matters in controversy between the parties, and that I will make a just Award according to the best of my understanding.

\_\_\_\_\_  
**THOMAS E. CROWLEY**

