



Arbitration versus Litigation in Construction Contracts: Considerations to Take into Account, NYREJ

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One of the many important choices a developer or contractor faces when it prepares its construction contracts is whether to include an arbitration provision to resolve disputes or litigate any disputes in a court of law. There are a few major considerations to take into account in making the choice. The main factors in choosing litigation or arbitration are: (i) Whether the construction contracts contain “notice” clauses for extra work claims and time extension requests; (ii) the cost and time involved in arbitration or litigation, and (iii) the qualifications of the person deciding the issues.