



## AGREEMENT TO SUBMIT TO ARBITRATION

This agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, currently residing at \_\_\_\_\_ and \_\_\_\_\_, currently residing at \_\_\_\_\_ (the "Parties").

Whereas disputes and controversies have arisen and exist between the above-mentioned parties respecting:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With each party having certain claims and counterclaims against each other.

**Choice of Forum.** The parties submit themselves to the personal jurisdiction of and refer and submit all disputes, differences, and controversies whatsoever in connection with the above referenced matter to be heard and determined by a panel of the following three arbitrators (Arbitrators) of the Bais Hora'ah Rabbinical Court (the "Bais Din"); Rabbis: \_\_\_\_\_

**Choice of Law.** The Parties acknowledge that the Arbitrators may resolve this controversy in accordance with strict application of Orthodox Jewish Law ("Din"), through court ordered settlement in accordance with Jewish law ("*p'shara krova l'din*") or a compromise consistent with the tenants of equity and justice.

**Powers and Authority of Arbitrators:**

**Evidentiary Discretion.** Discovery shall be at the discretion of the Bais Din and allowed only upon a showing of good cause and only to the extent specifically authorized by the Bais Din.

**Willful Absence of a Party.** If either party shall fail, after reasonable notice, to attend hearings before the Bais Din, the Arbitrators shall have the right to hear testimony and evidence and to render a final decision in his or her absence.

**Rendering Interim Decisions.** In addition to any final award, the arbitrators may make other decisions, including interim or partial orders and awards.

**Loss of an Arbitrator.** If any Arbitrator withdraws, or is disqualified from hearing the case, or unable to function as an arbitrator, the parties agree that the remaining two Arbitrators may elect to continue the proceeding and shall retain the same powers and authority.

**Retention of Jurisdiction.** The Bais Din shall retain jurisdiction over this matter for one year after the rendering of its decision, and shall be authorized to modify its decision for any reason it deems proper.

**Finality of Award.** The award of the Arbitrators shall be final and binding upon the parties without appeal or review except to the extent required by the arbitration laws of the state in which the arbitration is held. Application may be had by any party to any court of general jurisdiction for entry and enforcement of judgment based on the award.

**Enforcement Through Secular Courts – Legal Costs and Expenses.** In an action to enforce or to vacate a decision of the Bais Din in a court of competent jurisdiction, the party seeking to confirm or enforce the award shall be entitled to recover its fees and expenses in such action, including reasonable attorneys' fees.

**Savings Clause.** Should any of the provisions of this Agreement be to be held ineffectual or invalid, for any reason, no other portion or provision of this Agreement shall be invalidated, impaired or affected thereby.

In witness whereof, each party to this agreement has caused it to be duly executed.

Signed: \_\_\_\_\_ Print: \_\_\_\_\_ Signed: \_\_\_\_\_ Print: \_\_\_\_\_

Signed: \_\_\_\_\_ Print: \_\_\_\_\_ Signed: \_\_\_\_\_ Print: \_\_\_\_\_



## שטרי בירורין

אנחנו בעלי דינים החתומים מטה מודים בחתימת ידינו דלמטה והיא תעיד עלינו  
כמאה עדים כשרים ונאמנים איך שקבלנו עלינו את הדיינים (ים) מו"ה  
\_\_\_\_\_ בענין \_\_\_\_\_

\_\_\_\_\_ והמסתעף מענין \_\_\_\_\_  
זה, ושהם יפסקו בינינו בדו"ד הנ"ל לפי ראות עיניהם הן על פי דין הן על פי פשר  
קרוב לדין הן על פי פשר לפי היושר והצדק, וסידור אופני הכרעה יהיה על דעת  
רובם ואפילו אחד יאמר איני יודע, וכן קבלנו עלינו לציית לכל פסק דין שיצא מלפני  
הרבנים הנ"ל בלי השמטה וערעור כלל, ואם ישתמט אחד מאתנו בעלי הדין לבוא  
לגמור טענותיו בבי"ד הרשות ביד הבי"ד לגמור הפסק דין כפי ראות עיניהם, וכל  
זה קבלנו עלינו בקנין גמור אג"ס במנא דכשר למקניא ביה באופן היותר מועיל  
דלא כאסמכתא ודלא כטופסי דשטרא הכל שריר וקים  
ובאנו על החתום פה ברוקלין \_\_\_\_\_ לחדש \_\_\_\_\_ שנת תש \_\_\_\_\_ לפ"ק

נאום \_\_\_\_\_

נאום \_\_\_\_\_

נאום \_\_\_\_\_