

Arbitrator's Award Conference Discussions of Arbitrator

1. Introduction

Arbitration is a widely used alternative dispute resolution (ADR) mechanism in which a neutral third party, known as the arbitrator, renders a binding decision called an award. The "Arbitrator's Award Conference Discussions" refer to the deliberative process, reasoning, and exchanges that occur before the final award is issued. These discussions may involve the arbitrator alone or, in multi-member tribunals, collective deliberations among arbitrators.

2. Nature and Purpose of Conference Discussions

Conference discussions are essential to ensure that the arbitrator's decision is:

- Fair and impartial
- Based on evidence and applicable law
- Logically reasoned and enforceable

The purpose of these discussions includes:

- Reviewing evidence and arguments presented by parties
- Clarifying legal and factual issues
- Weighing credibility of witnesses
- Reaching consensus (in panel arbitrations)

3. Types of Arbitrator Discussions

3.1 Sole Arbitrator Deliberations

In cases with a single arbitrator:

- Discussions are internal and confidential
- The arbitrator reviews submissions, evidence, and hearings independently
- Notes and legal research guide the reasoning process

3.2 Panel or Tribunal Deliberations

In multi-arbitrator panels:

- Arbitrators hold structured discussions (often called deliberation conferences)

- Each arbitrator presents their views
- Majority decisions are common if consensus is not reached
- A presiding arbitrator may guide discussions

4. Key Elements of Conference Discussions

4.1 Confidentiality

- Deliberations are strictly private
- No party has access to these discussions
- Ensures independence and integrity

4.2 Evidence Evaluation

- Examination of documents, witness testimony, and expert opinions
- Assessment of relevance, admissibility, and weight

4.3 Legal Analysis

- Application of governing law, contract terms, and arbitration rules
- Consideration of precedents where applicable

4.4 Issue Framing

- Identification of key disputes
- Breaking down complex claims into manageable issues

4.5 Decision-Making Process

- Logical reasoning leading to conclusions
- Voting or consensus-building in panels

5. Role of the Presiding Arbitrator

In panel arbitrations, the presiding arbitrator:

- Organizes and moderates discussions
- Ensures equal participation
- Helps resolve disagreements
- Drafts or coordinates the final award

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6. Drafting the Arbitrator's Award

After discussions, the arbitrator(s):

- Prepare a written award
- Include findings of fact and conclusions of law
- Address all claims and defenses
- Ensure clarity and enforceability

Drafts may circulate among panel members for review and revision before finalization.

7. Ethical Considerations

Arbitrator discussions must adhere to:

- Impartiality and neutrality
- Independence from parties
- Avoidance of bias or external influence
- Integrity in reasoning and judgment

8. Challenges in Conference Discussions

- Divergent views among arbitrators
- Complex or technical evidence
- Time constraints
- Managing confidentiality while ensuring thorough deliberation

9. Importance in Arbitration Outcomes

Effective conference discussions:

- Enhance the quality of the award
- Reduce grounds for challenge or appeal
- Promote trust in the arbitration process
- Ensure just and reasoned outcomes

10. Conclusion

Arbitrator's Award Conference Discussions are a critical component of the arbitration process. They form the intellectual and analytical foundation of the final award. Whether conducted individually or collectively, these discussions ensure that the arbitrator's decision is well-reasoned, fair, and legally sound.

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