

Rules for Arbitration: A Survey of the International Institute for Conflict Prevention & Resolution (CPR)

Introduction

Arbitration has become a widely preferred method of resolving commercial disputes due to its flexibility, confidentiality, and efficiency compared to traditional litigation. Among the institutions that provide structured arbitration frameworks, the International Institute for Conflict Prevention & Resolution (CPR) plays a significant role. This document surveys CPR's arbitration rules, highlighting their structure, unique features, and practical implications.

Overview of CPR

The International Institute for Conflict Prevention & Resolution (CPR) is a non-profit organization that promotes excellence in dispute resolution. CPR provides rules, panels of arbitrators, and administrative support for arbitration proceedings. Its rules are designed to offer flexibility, party autonomy, and efficiency.

Key Features of CPR Arbitration Rules

1. Party Autonomy

One of the central principles of CPR arbitration is party autonomy. The rules allow parties to:

- Select arbitrators
- Determine procedural rules
- Agree on timelines and processes

This flexibility distinguishes CPR from more rigid institutional frameworks.

2. Limited Institutional Intervention

Unlike some arbitration institutions, CPR follows a less-administered model. Key aspects include:

- Minimal administrative oversight
- Greater control by arbitrators and parties
- Reduced institutional fees

This approach is often referred to as a “non-administered” or “lightly administered” arbitration model.

3. Selection of Arbitrators

CPR provides a unique "screened selection" process:

- Parties receive a list of potential arbitrators
- They rank preferences confidentially
- CPR appoints arbitrators based on mutual preferences

This process enhances neutrality and reduces bias in arbitrator selection.

4. Emphasis on Efficiency and Cost Control

CPR rules encourage efficient dispute resolution through:

- Early case management conferences
- Streamlined discovery processes
- Limits on document production and depositions

These measures aim to reduce time and costs associated with arbitration.

5. Confidentiality

Confidentiality is a key feature of CPR arbitration. The rules typically:

- Require participants to maintain confidentiality
- Limit disclosure of proceedings and awards

This is particularly attractive for commercial parties concerned about sensitive information.

6. Emergency Arbitration

CPR provides for emergency arbitrators to address urgent issues before the constitution of the full tribunal. This includes:

- Interim relief
- Preservation of assets
- Injunctive measures

7. Appeals Procedure

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CPR offers an optional appellate arbitration procedure, allowing parties to:

- Appeal arbitral awards within CPR
- Seek review for material errors of law or fact

This is relatively uncommon in arbitration and provides an additional layer of review.

Structure of CPR Arbitration Rules

1. Commencement of Arbitration

Arbitration begins with a Notice of Arbitration, which includes:

- Nature of the dispute
- Relief sought
- Basis for jurisdiction

The respondent then files a Notice of Defense or Counterclaim.

2. Constitution of the Tribunal

The tribunal is typically composed of one or three arbitrators, depending on:

- Agreement of the parties
- Complexity of the dispute

3. Procedural Framework

After constitution, the tribunal conducts a preliminary conference to:

- Set timelines
- Define scope of discovery
- Establish procedural rules

4. Hearings and Evidence

CPR rules allow flexibility in hearings:

- In-person or virtual hearings
- Limited discovery
- Use of witness statements and expert reports

5. Award

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The tribunal issues a final award that is:

- Binding on the parties
- Typically final, subject to limited appeal (if agreed)

Comparative Perspective

Compared to other institutions such as ICC or AAA:

- CPR offers greater flexibility
- Lower administrative involvement
- More emphasis on party-driven processes

However, it may provide less procedural certainty for parties unfamiliar with arbitration.

Advantages of CPR Arbitration

- High degree of flexibility
- Cost-effective structure
- Confidential proceedings
- Innovative arbitrator selection process

Challenges and Criticisms

- Less administrative support may burden parties
- Potential for procedural ambiguity
- Limited global recognition compared to larger institutions

Conclusion

The CPR arbitration rules provide a flexible and efficient framework tailored for sophisticated commercial parties. Their emphasis on party autonomy, cost control, and confidentiality makes them an attractive option for dispute resolution. However, the reduced level of institutional involvement requires experienced parties and counsel to fully benefit from the system.

References (Suggested)

- CPR Arbitration Rules
- CPR Guidelines and Protocols

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- Comparative studies on international arbitration institutions