



**Model Code for the Conduct  
of Hearings in International Arbitrations**

1. These rules shall be applied equitably to do justice.
2. All parties shall be treated equally and fairly.
3. The Tribunal shall set the schedule for the hearings, having due regard for the proper preparation of the case and fairness to the parties.
4. The Tribunal shall endeavor to decide preliminary issues, including any issues as to the governing procedural and substantive law and defining the legal and factual issues to be considered, sufficiently in advance of the hearing(s) on the merits to permit the parties to prepare adequately.
5. The Tribunal may invite the parties to submit, in advance of the hearings, one or more briefs or memorials on the law or facts.
6. Before issuing a ruling on an issue, the Tribunal shall allow the parties a reasonable opportunity to comment. For legal issues relating to the merits, the Tribunal shall permit the filing of reasonable briefs and memorials. For factual issues on the merits, the Tribunal shall take evidence sufficient to decide the issues in a principled manner.

The party initiating the proceeding, or the party seeking the greatest affirmative relief, shall present its case first, in the discretion of the tribunal. Any necessary determination of which party will present its case first shall be made sufficiently in advance of the hearing to allow the parties to prepare adequately.
8. Each party shall bear the burden of proving each factual proposition it asserts to the reasonable satisfaction of the Tribunal.
9. Each party shall be allowed an adequate opportunity to respond to the opposing party's factual propositions and legal arguments.
10. The Tribunal may direct that the bulk of a party's evidence from its witnesses be presented by signed witness statement or affidavit, but upon request of the parties, the Tribunal shall allow each party at least some period of time for oral direct examination of its most important witnesses.
11. Upon request of a party, the Tribunal shall allow reasonable cross-examination of at least the most important of the opposing party's witnesses who testify in person. Cross-examination shall be conducted in a professional, reasonable and factual manner and should not be acrimonious or unduly argumentative.
12. The Tribunal shall allow each party reasonable rebuttal of the opposing party's responses, which may be limited, in whole or in part, to written rebuttal.
-  3. The Tribunal shall allow the parties reasonable access to the identity and reports of any expert witnesses, including independent experts, sufficiently in advance of the hearing to prepare adequately.