

National Standards for Serving as an Arbitrator

1. Introduction

Arbitration is a widely used form of alternative dispute resolution (ADR) in which an impartial third party, the arbitrator, resolves disputes outside the traditional court system. National standards for serving as an arbitrator provide guidelines that ensure fairness, neutrality, competence, and integrity in the arbitration process. These standards help maintain public confidence in arbitration as an effective and just method for resolving disputes.

2. Qualifications of an Arbitrator

Individuals serving as arbitrators should possess the following qualifications:

- **Education and Professional Experience:** A strong background in law, business, or the specific subject matter relevant to the dispute.
- **Knowledge of Arbitration Procedures:** Familiarity with arbitration rules, procedures, and applicable laws.
- **Analytical and Decision-Making Skills:** Ability to review complex evidence and make well-reasoned decisions.
- **Communication Skills:** Capability to clearly conduct hearings and write well-structured awards.

3. Independence and Impartiality

Arbitrators must remain neutral and independent throughout the arbitration process. Key standards include:

- Avoiding conflicts of interest.
- Disclosing any relationships or circumstances that might affect impartiality.
- Treating all parties equally.
- Avoiding bias or favoritism toward any party.

4. Ethical Responsibilities

Arbitrators are expected to adhere to high ethical standards, including:

- Integrity and honesty in all proceedings.
- Confidentiality regarding arbitration matters.
- Avoiding improper communications with parties (ex parte communications).
- Conducting proceedings with professionalism and respect.

5. Conduct of Proceedings

An arbitrator is responsible for managing the arbitration process efficiently and fairly. Responsibilities include:

- Establishing clear procedures and timelines.
- Ensuring each party has an equal opportunity to present evidence.
- Maintaining order during hearings.
- Ensuring compliance with applicable arbitration rules and agreements.

6. Decision-Making and Awards

Arbitrators must base decisions solely on the evidence presented and applicable law or contractual provisions. The final arbitration award should:

- Be clear and well-reasoned.
- Address all claims and defenses.
- Be issued within the agreed or required timeframe.
- Be communicated formally to all parties involved.

7. Confidentiality

Confidentiality is a cornerstone of arbitration. Arbitrators must protect sensitive information disclosed during proceedings and must not reveal details of the dispute or decision unless required by law or agreed by the parties.

8. Continuing Education and Training

To maintain competence, arbitrators should pursue ongoing education and professional development. This may include:

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- Training in arbitration techniques.
- Updates on arbitration law and regulations.
- Participation in professional arbitration organizations and conferences.

9. Accountability and Professional Conduct

Arbitrators should be accountable for maintaining professional conduct. Complaints or ethical violations may be reviewed by arbitration institutions or professional organizations. Sanctions or removal from arbitration panels may occur if standards are violated.

10. Conclusion

National standards for serving as an arbitrator are designed to promote fairness, efficiency, and trust in the arbitration process. By adhering to these standards, arbitrators help ensure that disputes are resolved in a professional and impartial manner that benefits both parties and supports the integrity of the arbitration system.