



## ICDR® Arbitrator Appointment Services: Providing Access to the ICDR's Roster of Arbitrators

As many in the legal and business professions know, the International Centre for Dispute Resolution (ICDR) is a full-service provider of dispute resolution services.

The ICDR recognizes, however, that there are circumstances where, due to the nature of the case, the rules that must be applied, or the relationship between the parties, more or less flexibility may be needed pertaining to case management. For cases where it is more likely than not for parties to have agreement on case matters, the *ICDR's Arbitrator Appointment Services* may be an appropriate option that helps move parties toward resolution of their dispute.

**With Arbitrator Appointment Services, the ICDR provides users with a list of the most appropriate arbitrators for their dispute, according to the parties' criteria; if desired, the ICDR will also facilitate conflicts checks with specific arbitrators and assist parties in arbitrator selection or appointment. Parties may even request the ICDR to act as the appointing authority and complete an administrative appointment of the arbitrator(s).**

After obtaining a list of arbitrators or after an arbitrator has been appointed—in fact, at any time, parties can opt to return to the ICDR to receive full-service case management by filing an arbitration case with the ICDR. By doing so, the parties would receive ICDR services that include support at the preliminary hearing, information exchange, and preparation stages through to the hearing and award.

### Service Options

#### ICDR Arbitrator Search and List-Only Services

At this service level, the ICDR acts as a referral source for identifying arbitrators to hear parties' cases. From its hundreds of expert arbitrators around the world, the ICDR can provide a list of up to 10 or 15 arbitrators, best qualified to resolve the parties' dispute, based on criteria provided by the filing party, or by all parties if it is a joint request.

**What You Do:** Parties contact the ICDR to provide their contact information, desired level of service, the number of arbitrators requested, and preferences regarding the arbitrator, including such items as area of expertise, geographic location, language capability, knowledge of local law, nationality (or exclusions), along with a listing of all entities related to the case that could cause an arbitrator to be conflicted out.

**What You Get:** The ICDR provides to each party (or one party if the request is to assist with selection of the party's appointed arbitrator) a list of either up to 10 or up to 15 arbitrators who generally are available and whose credentials best match the criteria specified on the filing form, along with their ICDR resume/CV.



**What the ICDR Does:** The arbitrators are notified that their information is being provided to clients and that they may be contacted directly by the parties. It now is up to the parties to handle the rest of the appointment process and case management, as the ICDR's involvement concludes once the list is provided.

### ICDR Arbitrator Search and Appointing Authority

At this level of service, the ICDR assists the parties in identifying arbitrators and completing the selection and/or appointment. Once the ICDR has provided the parties a list of arbitrators, it then works with the parties to complete the extra steps of determining the arbitrators' availability to serve, facilitating the conflicts checks, completing arbitrator selection, or even to appoint an arbitrator if there is no agreement between the parties.

**What You Do:** Parties contact the ICDR to provide the contact information for all parties and arbitrator specifications. Party agreement is mandatory to receive the appointing service, and all parties must sign a Submission to Dispute Resolution form.

**What You Get:** The ICDR provides to each party a list of either up to 10 or 15 arbitrators who generally are available and whose credentials best match the criteria specified on the filing form, along with their ICDR Roster biographies.

**What the ICDR Does:** If the parties are unable to agree on a proposed arbitrator, they may strike any unacceptable candidates from the list and rank the remaining according to their preferences. The ICDR extends an invitation to the highest-ranked mutually agreeable candidate and facilitates a conflicts check. If the arbitrator declines to hear the arbitration, the ICDR invites the next, highest-ranked candidate, and so on.

When a candidate accepts the appointment, the ICDR notifies the parties of the arbitrator's identity and provides the parties with any disclosures the arbitrator may have made. If the arbitrator has made a disclosure, the parties will have seven (7) calendar days to object to the arbitrator's appointment based on the disclosure. If the parties cannot agree on whether the disclosure disqualifies the arbitrator from service, the ICDR will determine whether to reaffirm or disqualify the arbitrator.

If an arbitrator is disqualified due to a disclosure or cannot serve for any other reason at this stage, the ICDR will invite the next, highest-ranked candidate to serve. Should no candidate remain from those originally provided, or if there are no mutually agreeable candidates, the ICDR will appoint an arbitrator from its Roster.

### Service Fees

#### ICDR Arbitrator List-Only Services Fees

For a list of up to 10 arbitrators: \$1,500; 10 additional names, if needed: \$750

For a list of up to 15 arbitrators: \$2,000; 15 additional names, if needed: \$1,000



*Refunds: There is a minimum search fee of \$750. If the ICDR, in its sole discretion, is unable to compile an appropriate list of arbitrators after completing a search, the balance of the List-Only Service fees will be refunded.*

#### **ICDR Arbitrator Appointing Authority Service Fees**

List of up to 10 arbitrators: \$1,500 plus the cost of arbitrator(s) appointment\*

List of up to 15 arbitrators: \$2,000 plus the cost of arbitrator(s) appointment\*

\* There is an additional fee of \$500 for each arbitrator appointment that will be charged to each party.

#### **Fees are payable at the time of submission of the arbitrator appointment service request.**

*Refunds: There is a minimum search fee of \$750. If the ICDR, in its sole discretion, is unable to compile an appropriate list of arbitrators after completing a search, the balance of the Appointing Authority Service Fees will be refunded. If arbitrators meeting the criteria spelled out on the submission form are identified, and parties strike all or do not move forward to appointment, service would be deemed granted and fees will not be refunded.*

**Note:** Please retain the case number that you are assigned at the time of arbitrator selection in the event that you may want to file for further ICDR case management services at a later stage. Credit for fees paid can be applied only with the submission of the case number.

#### **Credit toward further Case Management Fees**

If the parties decide to request full-service case management after a List-Only or Appointing-Authority service has been completed, they may file a case under the ICDR fee schedule.

A portion of fees paid for the List-Only or Appointing-Authority service will be credited to the filing fees. This credit will be reflected in the reduced filing fee paid at the time of case submission.

#### **What You Should Know**

##### **Do I need to have the ICDR written into my contract in order to participate in this service option?**

No, you do not have to have the ICDR or the AAA, specified in your contact to benefit from this service. Furthermore, you may take advantage of these service options even if your contract calls for the use of the UNCITRAL arbitration rules or another arbitral provider's rules.



## **What is the advantage of going to the ICDR for this service if I am only interested in finding an arbitrator, which I can do myself locally?**

The parties not only get access to the ICDR's outstanding panel of arbitrators—unavailable elsewhere—and help identifying the best arbitrator for the case, clearing conflicts and completing the appointment, but they also get the assurance that the ICDR is there to assist should the joint selection process not go as smoothly as anticipated and third-party management is required.

## **What if along the way I decide that I want the ICDR involved?**

At any time, parties may agree to submit the matter to the ICDR for full-service case administration.

## **Will the ICDR otherwise be involved in the case?**

ICDR services and responsibility normally ends with provision of the lists and, if applicable, arbitrator appointment.

## **What if the other party is not aware of these service offerings?**

The ICDR is available to discuss with all parties the service offerings and how we can best assist in the resolution of the dispute.

**Questions?** Please call the ICDR Case Management Centre at +1 212.484.4181.