


AMERICAN ARBITRATION ASSOCIATION®

Expectations of AAA-ICDR and ADR Users




AAA-ICDR Mission & Core Values

The American Arbitration Association was founded in 1926, following enactment of the Federal Arbitration Act, with the specific goal of helping to implement arbitration as an out-of-court solution to resolving disputes. This legal framework was passed by Congress and signed by President Calvin Coolidge. The AAA's staff members and panelists continue to live out the principles on which the Association was founded.

The AAA's official mission statement and vision statement are based on the following core values:

- Integrity**
- Conflict Management**
- Service**
- Diversity & Inclusion**





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The Truth

- Most arbitrator service is infrequent, not a full time job.
- Most arbitrators (unless retired) maintain a profession, law, academia, industry professional, etc.
- The baby boomer generation is retiring and interested in pursuing arbitration and mediation appointments (a lot of competition).
- The focus should always be on what is the right fit for ADR users.





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AAA-ICDR and ADR User Focus


AAA-ICDR Focus

- It's not about AAA-ICDR or you
- The 3 Ps: the **Public**, the **Process** and the **Parties**

ADR Users

- They want Arbitrators/Mediators with expertise in a field that uses ADR
- The importance of industry expertise
- Additional focus - former judges





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ADR Resource – www.adr.org

- Rules: Commercial, Construction, Labor, Employment, International, Insurance
- Guidelines: how to draft ADR clauses
- Codes: Code of Ethics for arbitrators all areas, including mediation
- Protocols: Employment, Consumer, Healthcare
- Articles: Dispute Resolution Journal
- AAA-ICDR Webfile, electronically filing a dispute
- Information on special programs (Storm Sandy)
- eCenter – arbitrators/mediators update resume
- AAAMediation.org
- ClauseBuilder Program
- Education Services – see the calendar of nationwide programs



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ADR Resource – LexisNexis/Westlaw/BN

- Thousands of decisions, full text, redacted (employment, international and labor)



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ADR Resources

LinkedIn

- AAA-ICDR
- AAA-ICDR Vice Presidents
- Construction Group
- Employment Group
- Higginbotham Group



Twitter

- AAA-ICDR



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Things That May Impact Selection

- High hourly rate, cancellation terms, unreasonable cancellation or postponement fees.
- Poorly drafted resume.
- Billing Practices: study time. Review Code of Ethics and AAA-ICDR Billing Guidelines.
- Lack of flexibility when parties agree – remember, **PARTIES PROCESS, YOU ARE NOT A JUDGE.**



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Professional Email Address – Confidential Account

NO
jzaino@yahoo.com

adrrocks@aol.com

YES
esussman@sussmanadr.com

Your account should be confidential, no sharing passwords



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Necessity of Understanding Technology

- Because we work online, there is a necessity to understand technology and cybersecurity



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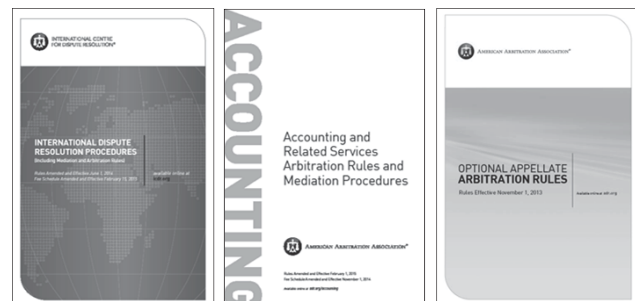
Know the Rules



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Keep Current on Rules – Rules Change/New Offerings



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Keep Current on the Latest AAA-ICDR Developments






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Know of New Services Offered By AAA-ICDR



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Know of New Services Offered by AAA-ICDR



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Streamlined Three Person Panel Option for Large Complex Cases

In cases where the rules or the parties' agreement requires a panel of three arbitrators to hear and decide the case, the **Streamlined Three Person Panel Option** allows parties to move through the preliminary and exchange of information (discovery) stages of a case working with a single arbitrator. The full panel would then participate in the evidentiary hearing and render the final award on the case.

The AAA's statistics show that approximately 60% of cases filed with the AAA are resolved without the issuance of an award. The **Streamlined Three Person Panel Option** allows parties to take advantage of this by utilizing a single arbitrator to manage the early stages of the case, decide issues related to the exchange of information and resolve other procedural matters without incurring the costs associated with the entire panel. The AAA has found that a three arbitrator panel actually costs five times as much as a single arbitrator. By measuring the use of a single arbitrator, the parties will be able to capitalize on the cost savings provided by a single arbitrator while still preserving their right to have the case ultimately decided by a panel of three arbitrators.

Option 1

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AAA-ICDR Panelist eCenter

News & Notices

SAVE THE DATE!
2019 AAA/ICDR/Mediation.org Panel Conference
 March 8-9, 2019
 Nashville, TN

Make plans now to hold the dates of March 8-9, 2019 so you can join your fellow AAA/ICDR/Mediation.org Panelists at our next national Panel Conference in Nashville, TN. The conference will be held at the Omni Nashville Hotel. Additional information will be posted here as planning proceeds, so be sure to check occasionally for updates.

Panelist Resources

- Case Administration Resources
- AAA/ICDR No Gift Policy
- AAA/ICDR Award Checklist
- Annual Continuing Education Requirement
- Panelist Newsletter
- Roster Information
- Panel Fees
- 2016 AAA/ICDR/Mediation.org Panel Conference Pictures
- Standards and Responsibilities for AAA Panelists
- 828 Dispute Resolution Impact Report
- Death by Discovery, Delay and Disengagement
- Construction Fast Track Procedures
- 2017 Panel Logo Information
- Fast Sheet for Arbitrators

PANELIST eCENTER

My Cases | My Resumes | My Panelist Account

Cases with Pending Status: 1

Case Number: 123456789 | Case Name: ABC Corp. v. DEF Corp. | Case Type: Commercial | Case Status: Pending | Case Date: 1/1/2019

My Cases

Case Number	Case Name	Case Type	Case Status	Case Date	Case Location	Case Method	Case Comments
123456789	ABC Corp. v. DEF Corp.	Commercial	Pending	1/1/2019	Nashville, TN	Online	

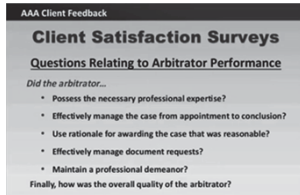
My Panelist Account

Field	Value
First Name	John
Last Name	Doe
Phone Number	(615) 555-1234
Email Address	john.doe@aaa.org
Panelist Type	Individual
Panelist Status	Active
Panelist Date	1/1/2019
Panelist Location	Nashville, TN
Panelist Method	Online
Panelist Comments	

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Client Satisfaction and Staff Surveys

Arbitrators are evaluated by both **CLIENTS** and **AAA-ICDR STAFF** at the conclusion of each case.



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Know the Code of Ethics

- Importance of AAA-ICDR Notice of Appointment (Oath)
- Do not accept cases with too many potential conflicts
- Challenging and removing an arbitrator is a waste of time and money for the parties
- Administrative Review Council (Three year period – 43% removal rate)



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Arbitrator Video Resume

- Length: 2 minutes
- Cost: \$325
- Video link will be embedded in resume
- Why: helping parties in their consideration and selection of the arbitrator



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Arbitrator Continuing Education Requirement

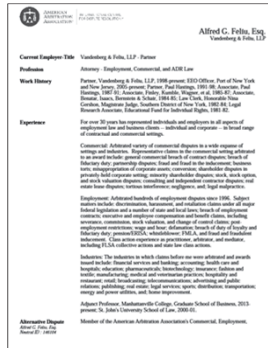


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AAA-ICDR Resume

- Do not inflate your expertise or experience
- Advocates know when you inflate your resume
- AAA-ICDR can share sample resumes of successful arbitrators
- Keep resume updated



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Hourly Rate and Billing Practices

- Study fees/expense section of the Code of Ethics
- Rates range between \$200 to ^{MAM2}\$1,200 per hour
- Consider necessary adjustments to your rate
- Detailed invoicing: understand AAA-ICDR Billing Guidelines
- Transparency: parties have the right to see your invoices



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Volunteer

- Pay your dues: volunteer your services as an arbitrator or mediator to develop skills and network.
- There are various pro bono community and court programs.
- Reduced fee, fast track and expedited cases for AAA-ICDR



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Your Geographic Area

- Advocates typically do not see a reason to "import" arbitrators for most cases.
- You will most likely be selected to serve in your geographic area.
- In your geographic area, advocates may know of you and your reputation.
- It is a national panel, however, and you could be picked outside your geographic area. Your travel expenses should be reasonable.



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Area of Expertise

- AAA-ICDR and parties do not want "Jack of All Trades"
- Think hard: what areas are you really an expert?
- Most panelists will not see appointments if their area of expertise is **not** using ADR.
- Focus should be on cases in your biggest area of practice



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Keep Subject Matter Expertise Up to Date

- Training in subject matter expertise, not simply ADR training
- Some industries and legal areas change rapidly

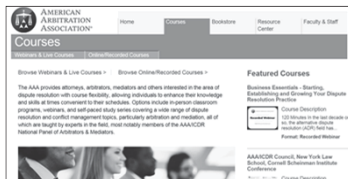


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AAA-ICDR Educational Programs

- AAA-ICDR sponsors and conducts hundreds of programs each year
- If you know of areas AAA-ICDR should offer educational programs to advocates, let us know
- AAA-ICDR and panelists collaborate on educating the public and user communities



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Publish & Post Blogs

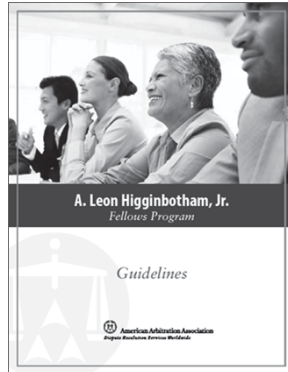
- AAA-ICDR publishes articles by panelists – reprints can be made
- Articles should focus on your subject matter expertise
- AAA-ICDR will soon be launching a new blog



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Diversity Initiatives – Higginbotham Fellows Program



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Social Media

- Advocates/parties do extensive social media research on prospective panelists. Be aware of what they will find.
- Google yourself: what should appear is positive, free information about you.
- Know of potential social media pitfalls: **Guidance Note: Arbitration and Social Media** by the Chartered Institute of Arbitrators.



GUIDANCE NOTE: ARBITRATION AND SOCIAL MEDIA

INTRODUCTION

The use of social media presents unique challenges for arbitrators because of a variety of obligations of arbitrators to maintain impartiality, confidentiality and integrity. This guidance note provides a framework for arbitrators to navigate these challenges. It is intended to be used as a guide, not a rule, and is not intended to be used as a basis for legal action. The guidance note is intended to be used as a guide, not a rule, and is not intended to be used as a basis for legal action. The guidance note is intended to be used as a guide, not a rule, and is not intended to be used as a basis for legal action.



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Social Media Disclaimer

In Notice of Appointment, disclosures, not resume

"I use a number of online professional networks such as LinkedIn and group email systems. I generally accept requests from other professionals to be added to my LinkedIn profile but do not maintain a database of all these professional contacts and connections. **LinkedIn now features endorsements, which I do not seek and have no control over who may endorse me for different skills.** The existence of such links or endorsements does not indicate any depth or relationship other than an online professional connection, similar to connections in professional organizations."

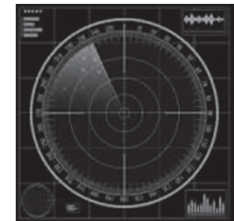


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AAA-ICDR Radar

- Keep AAA-ICDR informed on your speaking engagements, publications, etc.
- Know your local Vice President



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Summary

- Be prepared to serve occasionally – not full time
- It will be rare that both sides agree to your selection
- Remember the 3 Ps – we are about:

the Public
the Process
the Parties



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QUESTIONS?



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