



## **ADR INSTITUTE OF CANADA, INC.**

### **ADRIC ARBITRATOR APPOINTMENT PROTOCOL**

#### **ARBITRATOR APPOINTMENTS**

1. ADRIC makes arbitrator appointments (“Direct Appointments”) and generates lists of candidates for appointment by the parties (“Candidate Lists”) in accordance with the ADRIC Arbitration Rules (the “Rules”) from among candidates who meet ADRIC’s and the parties’ criteria for appointment.

#### **APPOINTMENT COMMITTEE**

2. Each year and upon a vacancy, ADRIC’s Executive Director will appoint an Appointment Committee to make Direct Appointments and generate Candidate Lists. ADRIC’s Executive Director must consider equity, diversity, and inclusion in making appointments with the objective of ensuring that the Appointment Committee reflects a broad range of perspectives and backgrounds, including representation from equity-seeking groups. The Appointment Committee will have no fewer than six and no more than eight members, all of whom must be members of ADRIC and a regional affiliate and will be arbitrators or arbitration counsel drawn from across Canada. At least three members must have an ADRIC Chartered Arbitrator designation. Members will agree to serve for a minimum of two years. ADRIC’s Executive Director will make best efforts to ensure staggered terms for continuity.
3. Every second year, and upon a vacancy, ADRIC’s Executive Director will name an ADRIC Chartered Arbitrator on the Appointment Committee as Chair, who will agree to serve in that role for a minimum of two years.
4. The Chair will appoint a sub-committee of three or four members from among the members of the Appointment Committee to make each appointment. The Chair will be a member of the sub-committee, which will make all Direct Appointments and generate all Candidate Lists.
5. The names of the members of the Appointment Committee from time to time will be posted on ADRIC’s website.

#### **APPOINTMENT PROCESS**

6. All requests for Direct Appointments or to generate Candidate Lists must be sent by email to ADRIC Case Services at [Arb-admin@adric.ca](mailto:Arb-admin@adric.ca).

7. All requests by one or more parties must include the following information:
  - a) Copies of any Notice to Arbitrate, Submission to Arbitration, and any other pleadings and submissions related to the dispute that have been Delivered by any of the parties before the request to appoint an arbitrator
  - b) Party Disclosure required under the Rules;
  - c) Full names of all parties, their addresses, and other contact information, if known;
  - d) Names of all legal counsel or party representatives, their addresses, and other contact information, if known;
  - e) Brief description of the dispute, without argument;
  - f) Copy of the arbitration agreement, if any;
  - g) Amount(s) in dispute, if any;
  - h) Any qualifications the parties request or require of the arbitrator, including any subject area expertise;
  - i) Time constraints, if any, imposed by the parties, the arbitration agreement, or the nature of the dispute;
  - j) Whether appointment of an Arbitrator, Interim Arbitrator or Challenge Adjudicator is requested and, if so, all information required under the Rules; and
  - k) Any other information the party making the request considers necessary.
8. All party requests will also be copied to those identified in paragraph 7b) and c) above, unless the request is for appointment of an *ex parte* Interim Arbitrator as permitted pursuant to the Rules.
9. One or both of the first two arbitrators already appointed to a Tribunal may request ADRIC to generate Candidate Lists for appointment of the chair.
10. ADRIC Cases Services will promptly forward all requests to the Chair of the Appointment Committee.
11. The Chair will circulate promptly all requests to the Appointment Committee. Any member who has a conflict of interest must declare it immediately and must not participate in the appointment process. The Chair will appoint one of the sub-committees to make the Direct Appointment or generate Candidate Lists. Direct Appointments require a majority of the members of the sub-committee.
12. All communications between the sub-committees and the parties and one or both of the already appointed arbitrators must be done through ADRIC Case Services.
13. When ADRIC is asked to make a Direct Appointment, the sub-committee must communicate its

appointment decision to ADRIC Case Services within the time set out in the Rules, or if no such time is set out, promptly. Upon receipt, ADRIC Case Services must communicate the appointment decision to the parties, one or both of the already appointed arbitrators and the Chair of the Appointment Committee within the time set out in the Rules, or if no such time is set out, promptly.

14. When one or both of the parties, or one or both of the already appointed arbitrators makes the request, the sub-committee will deliver promptly the Candidate List(s) required under the Rules to ADRIC Case Services, which will deliver promptly Candidate List(s) to the parties, one or both of the already appointed arbitrators and the Chair of the Appointment Committee. If any party or one or both of the already appointed arbitrators objects to any name(s) on the Candidate List(s), they must notify ADRIC Case Services, which must communicate this information to the sub-committee promptly.
15. All communications, discussions, and deliberations among the members of the Appointment Committee, the sub-committees, ADRIC's Executive Director, ADRIC Case Services, and the identities of any of the sub-committee members are strictly confidential and will not be disclosed to parties or their counsel, or the already appointed arbitrators.

## APPOINTMENT CRITERIA

16. A candidate who wishes to be considered for an arbitrator appointment must:
  - a) Be a member in good standing of ADRIC and a regional affiliate;
  - b) Confirm that they carry at least \$1 million in arbitrator errors and omissions insurance;
  - c) Commit to responding promptly to inquiries from ADRIC concerning their willingness to accept an appointment, failing which they may not be considered for appointments;
  - d) Advise whether there is any equity, diversity, and inclusion information they would like to be considered by the sub-committee in making Direct Appointments or generating Candidate Lists; and
  - e) Submit an ADRIC arbitrator profile that is accessible on ADRIC's website and contains the following information:
    - i. Their area(s) of expertise;
    - ii. Their professional arbitration designations, if any;
    - iii. Whether they wish to be considered for Interim Arbitrator or Challenge Adjudicator appointments;
    - iv. Their experience as arbitrator and/or arbitration counsel;
    - v. Their standard rate(s);
    - vi. Any other information they deem relevant; and

- vii. At the candidate's option, any equity, diversity, and inclusion information they would like to be considered.
17. Any member who wishes to be considered for appointment as a Challenge Adjudicator or Interim Arbitrator must confirm that they are willing to accept the appointment on the basis of Schedules B and C of the Rules.
  18. Subject to paragraph 19 below, ADRIC will make Direct Appointments and generate Candidate Lists pursuant to the Arbitrator Appointment Protocol from among candidates whose ADRIC personal profiles are on its website.
  19. Direct Appointments will be made and Candidate Lists generated from non-members of ADRIC only if the sub-committee determines there is no member who meets the criteria requested by the parties.

No member of the Appointment Committee will be appointed as an arbitrator by Direct Appointment or included in a Candidate List, but members of the Appointment Committee are eligible for appointment directly by any party or by any other appointing institution.