



Principles, Criteria, Protocol and Competencies

required for the designation

CHARTERED ARBITRATOR

The ADR Institute of Canada, Inc. (ADRIC) owns the trademarks for the designations:

Chartered Arbitrator, C.Arb / Arbitre Agréé(e), Arb. A

Certified Arbitrator, Arbitre Certifié(e)

Qualified Arbitrator, Q.Arb / Arbitre Breveté, Arb.B

All other groups and individuals in Canada are prohibited from adopting or using any of these marks or any marks that might be mistaken for these marks without the consent of the ADRIC.

I. INTRODUCTION

Arbitration is a process whereby parties to a dispute refer it by agreement, (either before or after the dispute arises, or as required by statute) to one or more persons by whose decision they agree or are required to be bound. In that process the arbitrator (or arbitrators) resolves the dispute by determining the parties' legal rights and obligations (unless the parties have agreed to proceed on another basis), after finding the relevant facts and applying the law to those facts in light of the evidence and arguments presented by the parties.

The process is generally characterized by the parties choosing the arbitrator (or having input into that choice), the arbitrator having the authority to rule on jurisdiction, and the principles of party autonomy, procedural flexibility, confidentiality and judicial deference.

The ADR Institute of Canada, Inc. ("ADRIC") has obtained recognition under the Federal *Trade Marks Act* for the designation Chartered Arbitrator as "C.Arb" and Arbitre Agréé /Arbitre Agréée as "Arb.A"; All other groups and individuals are prohibited from adopting or using any of these marks without the consent of ADRIC.

The Chartered Arbitrator designation has been established to recognize a "generalist competence" at a high level, the goal being to assist the public in finding experienced arbitrators.

To ensure that a high and consistent set of standards is met by the persons entitled to use this designation, ADRIC has established general principles, a set of criteria and a protocol to be used in assessing the eligibility of an applicant for the designation and for the granting of the designation.

Specific additional skills and competencies may be necessary and desirable for arbitrators practicing in specific areas such as marine and labour arbitrations.

ADRIC is national in scope and is represented throughout Canada by regional affiliates who administer and regulate the C.Arb designation in their respective regions.

All reference to rules, forms and requirements are references to the most recent version of the rules, forms and requirements approved by the ADRIC Board of Directors.

II. DEFINITIONS

REGIONAL ACCREDITATION COMMITTEE (RAC): the RAC is appointed in each region by ADRIC's regional affiliate and shall be comprised of no fewer than 3 Chartered Arbitrators.

NATIONAL ARBITRATION APPEAL AND AUDIT COMMITTEE ("National Committee"): The National Committee is appointed by ADRIC and shall be comprised of no fewer than 3 Chartered Arbitrators.

III. GENERAL PRINCIPLES

A member of ADRIC who meets the standards required of a Chartered Arbitrator may apply for the designation on the form prescribed by ADRIC.

The following process is required to qualify an applicant for certification:

1. Satisfactory completion of the educational and practical experience requirements;
2. Review and approval of the written application by the RAC; and
3. Review and approval of the application, for completeness only, by ADRIC.

The designation is awarded by ADRIC and is subject to renewal or revocation in accordance with the rules established by ADRIC. The designation certificate remains at all times the property of ADRIC.

IV. CRITERIA

An applicant must meet the following criteria and conditions:

A. EDUCATION

1. Successful completion of a course of study of 40 hours or more in arbitration and hearing procedure approved by ADRIC or a regional affiliate.
2. Successful completion no more than 10 years prior to application of ADRIC's written open book Chartered Arbitrator examination or an examination which is part of an ADRIC-Accredited course.

B. PRACTICAL EXPERIENCE

1. The applicant must have chaired¹ at least 10 arbitrations, at least 10 fee-paid² or demonstrably complex and involved if unpaid.
2. The applicant must provide at least 2 awards, written by the applicant for review by the Regional Committee, redacting the award to remove personal or confidential information.
3. A demonstration of the "Competencies in Arbitration"

C. PLEDGE

An applicant must pledge to abide by ADRIC's [Code of Ethics](#).

D. MEMBERSHIP

An applicant must be a member in good standing of ADRIC which includes being a member in good standing of a regional affiliate. The C.Arb designation lapses upon termination of membership in ADRIC or a regional affiliate, upon failure to pay C.Arb annual fees and/or upon failure to provide an annual CEE report.

E. FEES

An applicant must pay a one-time application fee to the Regional Affiliate and an annual fee to ADRIC in January each year to maintain the designation. Chartered Arbitrators are also required to maintain their membership with the [Regional Affiliate](#).

F. ONGOING REQUIREMENTS

1. Chartered Arbitrators are required to acquire 33 points annually of professional development activities as prescribed by the ADRIC Board of Directors for the [Continuing Education and Engagement \(CEE\) Program](#).
2. The C.Arb designation must be renewed annually. Chartered Arbitrators must pay an annual designation maintenance fee to ADRIC in January each year. This is in addition to the designation application fee, and annual membership fees payable to a regional affiliate.

¹ The applicant must clearly have been the lead arbitrator or chairperson, not simply a co-arbitrator. Evidence of same may be required.

² A "paid" arbitration is an arbitration where the arbitrator receives a salary, payment or reasonable honorarium specifically for arbitration services. The amount received by the arbitrator is not subject to any specific minimum amount, provided it is a legitimate and reasonable amount in the context within which the arbitration took place. In exceptional circumstances described in writing by the Regional Committee, where any unpaid arbitrations are demonstrably complex and involved, the Regional Committee may accept any or all of them as counting toward the total of 10 arbitrations required.

3. Chartered Arbitrators must maintain professional liability insurance in an amount prescribed by ADRIC and provide proof of same upon request by ADRIC.
4. Failure to comply with ongoing requirements constitutes grounds for suspension or cancellation of the C.Arb designation.

V. PROTOCOL

Regional affiliates invite and accept applications from members who believe they meet the standards required of a Chartered Arbitrator.

The RAC evaluates the application in accordance with the process established by the regional affiliate and the requirements established by ADRIC.

VI. APPLICATION FORM

All applicants will use the standard application and evaluation forms prescribed by ADRIC.

VII. APPLICATION APPROVAL AND APPEAL PROCESS

A. REVIEW PROCESS

Where the RAC approves an applicant, by unanimous or majority decision, the RAC will forward the application to the Manager of Designations at ADRIC.

1. ADRIC will review the application and forms to ensure the application is complete and the requirements established by ADRIC have been met;
2. Where ADRIC considers an application to be complete, the Manager of Designations will inform the applicant and the RAC that the application has been approved. The RAC will notify the regional affiliate of the approval. ADRIC will forward the C.Arb certificate to the applicant; and
3. Where ADRIC finds the application incomplete, the Manager of Designations will return the application to the RAC to be completed.

B. RIGHT TO APPEAL

1. The applicant may appeal to the National Committee a decision of the RAC to deny the C.Arb designation only if the reason for denial relates to or raises policy or procedural issues. The applicant must deliver a written notice of appeal to the Manager of Designations within 30 days of receipt of the decision of the Regional Committee, setting out the grounds for the appeal, failing which the Regional Committee decision stands.
2. The National Committee will review the policy or procedure issues and if a policy or procedure has not been followed, may allow the appeal. If a policy and procedure has been followed but its application is unfair in a particular application, the National Committee may make a recommendation to the ADRIC Board of Directors.

VIII. AUDIT AND QUALITY CONTROL

A percentage of applications will be sent to the National Committee for review after the RAC decision and review by the Manager of Designations.

The National Committee will review applications sent to it for review to ensure all documentation is in order and the prescribed process has been followed. National Committee concerns will be directed to the Manager of Designations, the Board of Directors, and the original RAC to ensure future applications are appropriately processed and reviewed. The decision of the RAC on a particular application will remain final notwithstanding the comments of the National Committee.

IX. VOTING

Any member of a RAC or regional affiliate Board of Directors who has voted on any application at that level must not vote on that application as a member of the National Committee or the Board of Directors.

COMPETENCIES IN ARBITRATION

Summary of knowledge and skills applicable to an Arbitrator:

- Knowledge of the Laws of Contract, Tort Evidence and other applicable laws related to the subject matter of the dispute.
- Knowledge of the governing Arbitration Act (Law) and other applicable laws related to arbitration in the jurisdiction of the arbitration.
- Knowledge of ADRIC's Code of Ethics and other applicable codes or policies governing the conduct of an arbitrator generally and recognition of the importance and necessity to abide by same;
- The skills required to hear and evaluate the evidence in accordance with the applicable procedural rules, including the ability to assess conflicting points of view, evaluate the validity of arguments presented and determine the award;
- Knowledge of the arbitration process and possession of the skills to carry out the protocol required to initiate and complete an arbitration engagement, including the formalization of the engagement, procedures during the arbitration hearing and issuing the award.