

**ADRIC National Course Accreditation Program – Schedule 3**

**Course Accreditation Application and Checklist: 40 Hour Arbitration Course**

		<i>Time Allocated</i>
<b>1.0</b>	<b>Introduction to ADR – Arbitration/Mediation/Negotiation &amp; other Forms of ADR</b>	
	<i>Location in Manual</i>	_____
<b>2.0</b>	<b>Legal Concepts Impacting Arbitration</b>	
1.1	Contract Law	_____
1.2	Tort Law	_____
1.3	Evidence Law	_____
1.4	Remedies (Damages, Equitable Relief)	_____
1.4	Procedural Fairness	_____
	<i>Location in Manual</i>	_____
	Notes:	
<b>3.0</b>	<b>Arbitration Legislation</b>	
3.1	Provincial Arbitration Acts	_____
3.2	International Arbitration Act	_____
3.3	UNCITRAL Model Arbitration Rules	_____
	<i>Location in Manual</i>	_____
	Notes:	
<b>4.0</b>	<b>Initial Matters</b>	
4.1	Arbitration Agreement	_____
4.2	Terms of Appointment	_____
4.3	Conflicts of Interest	_____

4.4 Med/Arb Agreements \_\_\_\_\_

4.5 First Meeting or Conference Call \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

Notes

**5.0 Arbitration – Process and Practice**

5.1 Selecting the Arbitrator – Panel, Sole, Med/Arb \_\_\_\_\_

5.2 Establishing the Procedure \_\_\_\_\_

5.3 Dealing with challenges to jurisdiction and arbitrability \_\_\_\_\_

5.4 Fairness and Natural Justice \_\_\_\_\_

5.5 Pre-hearing Information Exchange \_\_\_\_\_

5.6 Material for the Hearing \_\_\_\_\_

5.7 Starting and controlling the arbitration hearings \_\_\_\_\_

5.8 Authority to govern lawyers, witnesses, parties \_\_\_\_\_

5.9 Weighing evidence and admissibility of evidence including hearsay rules etc. \_\_\_\_\_

5.10 Calling expert witnesses and dealing with credibility of experts \_\_\_\_\_

5.11 Examination and cross-examination \_\_\_\_\_

5.12 Burdens and Standards of Proof \_\_\_\_\_

5.13 Admissions Against Interest \_\_\_\_\_

5.14 Waiver and Estoppel \_\_\_\_\_

5.15 Inferences and Presumptions \_\_\_\_\_

5.16 Principles of interpretation \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

A variety of case histories, film, handouts and textbooks are used throughout the course

Notes

## 6.0 General Aspects of the Arbitration Process

Knowledge of Ethical Values and Procedural Issues

Some Suggested Topics Include:

6.1 Understanding ADRIC Arbitration Rules and other arbitration standards of practice \_\_\_\_\_

6.2 Importance of the site of the arbitration \_\_\_\_\_

6.2 Balancing the goals of fairness, expedition and cost effectiveness \_\_\_\_\_

6.4 Sensitivity to parties' values and culture \_\_\_\_\_

6.6 Establishing a collaborative approach \_\_\_\_\_

6.7 Confidentiality \_\_\_\_\_

6.8 Dealing with power imbalances \_\_\_\_\_

6.8 Dealing with common ethical dilemmas \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

## 7.0 Professional Skills and Knowledge

Some Suggested Topics Include:

7.1 Drafting Awards \_\_\_\_\_

7.2 Working with counsel and other tribunal members \_\_\_\_\_

7.3 Case management and file management \_\_\_\_\_

7.6 Setting up a practice \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

Notes

## 8.0 Decision Rendering & Writing

- 8.1 Decision Format \_\_\_\_\_
- 8.2 Evidentiary Basis \_\_\_\_\_
- 8.3 Assessing Credibility \_\_\_\_\_
- 8.4 Weighing evidence & deciding \_\_\_\_\_
- 8.5 Dealing with Legal Issues and Arguments \_\_\_\_\_
- 8.6 Remedies \_\_\_\_\_
- 8.7 Interest and Costs \_\_\_\_\_
- 8.8 Operative Provisions \_\_\_\_\_
- 8.9 Partial Awards \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

Notes:

## **9.0 Enforcement**

- 9.1 Corrections and Changes to the Award \_\_\_\_\_
- 9.2 Remedies available to the Parties (appeals, judicial review, etc.) \_\_\_\_\_
- 9.3 Enforcement of Arbitrator's Decision \_\_\_\_\_

*Location in Manual* \_\_\_\_\_

Notes:

## **10.0 Examinations**

- 10.1 Case outline (single-issue) for written decision \_\_\_\_\_
- 10.2 Case outline involving at least 3 issues for written decision \_\_\_\_\_
- 10.3 Final Exam (may be open book) \_\_\_\_\_

*Attach as item 10*

Notes