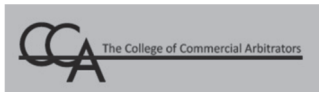


THE COLLEGE OF
COMMERCIAL ARBITRATORS
GUIDE TO BEST PRACTICES
IN COMMERCIAL ARBITRATION

Fifth Edition

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DEDICATION

The editors of this fifth edition of *The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration* acknowledge the extraordinary role that Jim Gaitis played in the first four editions. An experienced arbitrator, Jim was an editor of the first edition and the editor in chief of the second, third, and fourth editions. His efforts played a major role in establishing the *Guide* as the respected, oft-cited authority on best practices in arbitration that it is today.

SUMMARY CONTENTS

Contents ix

Preface xxxi

About the Editors xxxiii

About the Contributors xxxvii

Abbreviations xlix

Chapter 1
INTRODUCTION
..... 1

Chapter 2
APPOINTMENT, DISCLOSURES, AND
DISQUALIFICATION OF NEUTRAL ARBITRATORS
..... 7

Chapter 3
NON-NEUTRAL ARBITRATORS
..... 43

Chapter 4
ARBITRATOR FEES AND EXPENSES
..... 61

Chapter 5
DETERMINING JURISDICTION
AND ARBITRABILITY
..... 89

Chapter 6 EMERGENCY ARBITRATORS AND INTERIM RELIEF	119
Chapter 7 PRELIMINARY HEARINGS AND PRE-HEARING CASE MANAGEMENT IN GENERAL	155
Chapter 8 INFORMATION EXCHANGE	187
Chapter 9 SUMMONING NON-PARTY WITNESSES	213
Chapter 10 INTERLOCUTORY DECISIONS INCLUDING SUMMARY DISPOSITION	239
Chapter 11 PANEL RELATIONS	253
Chapter 12 THE MERITS HEARING	327

Chapter 13 AWARDS	381
Chapter 14 POST-AWARD MATTERS	405
Chapter 15 CLASS AND MASS ARBITRATION	433
Chapter 16 UNIQUE ISSUES IN CONSTRUCTION ARBITRATION	473
Chapter 17 INTERNATIONAL ARBITRATION (Preliminary Matters)	519
Chapter 18 INTERNATIONAL ARBITRATION (Conduct of Proceedings)	559
Chapter 19 SERVING AS ARBITRATOR AND MEDIATOR IN THE SAME DISPUTE	589

Chapter 20 CYBERSECURITY, DATA PROTECTION, AND ARTIFICIAL INTELLIGENCE	611
Appendix I GUIDANCE NOTE: ARBITRATION AND SOCIAL MEDIA	651
Appendix II GUIDANCE NOTE: DIVERSITY RESOURCES FOR ARBITRATORS	663
ACKNOWLEDGMENTS	673
INDEX	679

CONTENTS*

Preface	xxxi
About the Editors	xxxiii
About the Contributors	xxxvii
Abbreviations	xlix

Chapter 1

INTRODUCTION

Deborah A. Coleman

.....	1
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Chapter 2

APPOINTMENT, DISCLOSURES, AND DISQUALIFICATION OF NEUTRAL ARBITRATORS

Rebecca Callahan, A.J. Krouse and Katherine M. Simpson

.....	7
-------	---

I.	Introduction.....	7
II.	Appointment of Neutral Arbitrators	8
	A. Initial <i>Ex Parte</i> Communications	9
	B. Determining Impartiality and Independence	10
	C. Determining Fitness to Serve	12
	D. Establishing Terms of Appointment.....	14
	E. Appointments Made Through Arbitral Institutions	16
	F. Appointments in Non-Administered Arbitrations.....	16
	G. Party-Appointed Neutral Arbitrators	18
III.	Disclosures	19
	A. FAA	19
	B. RUAA.....	22
	C. AAA/ABA Code.....	22
	D. Other Ethical Standards	23
	E. Judicial Guidance	26
	1. Judicial Application of Disclosure Standards	26

* The Fellows listed here under each chapter served as chapter editors for this fifth edition. For a complete list of contributors, by chapter, see Acknowledgments.

2.	Interest in the Outcome of the Proceeding	27
3.	Existing or Past Business or Professional Relationships Between the Proposed Arbitrator and a Party, Counsel, Known Witness, or Co-Arbitrator	28
4.	Other Facts That Might Reasonably Affect Impartiality	29
5.	Duty to Investigate	30
F.	Role of Co-Arbitrators in Disclosure Process	31
G.	Role of Parties in Disclosure Process.....	31
IV.	Social Media	33
A.	Impartiality and Independence.....	34
B.	Disclosure	35
V.	Continuing Disclosure and Limitations on Activities During Pendency of a Case.....	36
VI.	Withdrawal and Disqualification	39

Chapter 3

NON-NEUTRAL ARBITRATORS

Mark J. Bunim

.....		43
I.	Arbitrator Selection Generally	43
A.	Parties' Arbitration Agreement	43
B.	Institutional Rules, Guidelines, and the AAA/ABA Code....	44
II.	Limitations on Choice of Non-Neutral Arbitrators.....	46
A.	Parties' Arbitration Agreement	46
B.	Applicable Law and Ethical Rules	47
III.	Determining Status of Party-Appointed Arbitrators.....	50
A.	Party-Appointed Arbitrators' Role in Determining Status of Arbitrators.....	50
B.	Chairperson's Role in Determining Status of Arbitrators.....	51
C.	Unique State Law Considerations Regarding Arbitrator Status	52
IV.	Disclosures by Non-Neutral Arbitrators.....	53
A.	General Practice of Disclosure.....	53
B.	Changes in Arbitrator Status.....	54
C.	Disqualification Challenges to Non-Neutral Arbitrators	55
V.	Non-Neutral Arbitrator Conduct.....	56
A.	Ensuring a Fundamentally Fair Hearing.....	56

B.	<i>Ex Parte</i> Communications	56
C.	Providing Assistance to the Parties	57
VI.	Value of Non-Neutral Arbitrators in Commercial Arbitrations	59
VII.	Structural Bias	60

Chapter 4

ARBITRATOR FEES AND EXPENSES

Laura A. Kaster

.....		61
I.	The Importance of Clear Initial Agreements	61
II.	Arbitrator Fees	62
A.	Billing Rates	62
B.	What Time Should Be Charged?	63
C.	Recording Billable Time	65
D.	Cancellation Fees	66
III.	Arbitrator Expenses	68
A.	Travel	68
B.	Lodging	69
C.	Meals	70
D.	Arbitrator Assistants	71
IV.	The Billing and Collection Process	72
A.	Estimates of Fees and Expenses	72
B.	Billing for Deposits in Administered Cases	74
C.	Billing for and Handling Deposits in Non-Administered Cases	74
D.	Invoices	76
E.	Under Some Circumstances, Arbitrators May Choose Alternative Methods of Billing	76
F.	Collection	77
V.	The Nonpayment of Filing or Administrative Fees and Deposits for Arbitrator Fees and Expenses	81
A.	A Party May Abuse the Consensual Process by Refusing to Pay Fees and Expenses	81
B.	Interim Relief May Provide Remedy for Nonpayment	81
C.	Recent Cases Suggest Nonpayment Is a Material Breach of the Arbitration Agreement	84
D.	Nonpayment as a Tactic	85

Chapter 5

DETERMINING JURISDICTION AND ARBITRABILITY

Kabir Duggal and James R. Madison

		89
I.	Introduction.....	89
II.	The Five Types of Challenges to Arbitrability	90
	A. Type I Contract-Existence Challenges: Courts Usually Decide Whether the Objecting Party, or Its Agents or Benefactors, Entered into a Commerical Contract Containing an Arbitration Agreement	91
	1. The Distinction Between Contract Existence and Contract Enforceability.....	92
	2. The Need to Determine Whether the Contract's Existence Is Challenged	95
	3. The Nature of a Challenge Does Not Depend on Whether a Contract Is Void or Voidable	97
	4. Mere Allegation and Court Adjudication	97
	5. Applicability of Delegation Clauses to Dispute over Contract Existence	98
	B. Type 2 Subject-Matter Legality Challenges: Courts Decide Whether the Subject Matter Is Legally Arbitrable.....	99
	C. Type 3 Challenges and the Separability Doctrine: Unenforceability Challenges May or May Not Be for the Arbitrator, Depending on Whether the Challenge Is to the Entire Contract or Only to the Arbitration Agreement.....	102
	1. The Nature of Type 3 Challenges	102
	2. The Separability Doctrine	102
	D. Type 4 Scope Challenges: Courts Decide Whether a Dispute Falls Outside an Arbitration's Scope Unless a Delegation Clause Sends It to the Arbitrators	106
	E. Type 5 Challenges: Arbitrators Usually Determine Whether a Precondition Has Been Satisfied	106
III.	The Delegation Clause	107
	A. When Are Delegation Clauses Useful?	107

B.	Effective Delegation Clauses Must Be Clear, Unmistakable, and Not Subject to an Enforceability Challenge.....	108
1.	Present	108
2.	Clear and Unmistakable	109
3.	Unchallenged	109
IV.	Making the Arbitrability Decision	110
V.	Waiver	112
VI.	Arbitrability of Class Claims.....	114
VII.	Procedure for Determining Jurisdiction and Arbitrability Objections	115

Chapter 6

EMERGENCY ARBITRATORS AND INTERIM RELIEF

Robert E. Bartkus and David L. Evans

.....		119
I.	Types of Relief Often Requested	119
II.	Emergency Arbitrators.....	120
III.	Appointment of and Disclosures by Emergency Arbitrators....	121
IV.	Jurisdiction and Authority of Emergency Arbitrators	122
A.	The Parties' Arbitration Agreement	123
B.	The Governing Rules.....	124
C.	Standards for Granting Emergency Relief	126
D.	The Required Showing by the Applicant.....	127
E.	Deadlines for Issuing Emergency Decisions	128
V.	The Emergency Proceedings.....	128
A.	Scheduling the Proceeding.....	128
B.	Challenges to Emergency Arbitrator's Jurisdiction and Authority	130
C.	Receipt of Evidence	131
VI.	Drafting Emergency Arbitral Decisions and Awards	132
VII.	The Emergency Arbitrator's Continuing Authority Pending Constitution of the Tribunal	133
VIII.	Post-Emergency Proceeding Considerations After the Tribunal Is Constituted	134
A.	Continuing Ethical Obligations	134
B.	Serving as an Arbitrator in the Merits Proceeding.....	135

IX.	The Enforceability of Emergency Arbitral Decisions.....	135
X.	Requests to the Merits Panel for Interim Relief.....	139
	A. Requests Relating to Relief Issued by a Court or Emergency Arbitrator.....	140
	B. Issues to Be Considered Generally upon a Request for Interim Relief	143
	1. Jurisdiction and Authority	143
	2. Legal Standards.....	145
	3. Security.....	149
	4. Enforcement	150
	C. The Process for Addressing a Request for Interim Relief.....	152
	D. Review by an Appellate Arbitration Panel.....	154

Chapter 7

PRELIMINARY HEARINGS AND PRE-HEARING CASE MANAGEMENT IN GENERAL

Theo Cheng and Richard H. Silberberg

.....		155
I.	The Importance of Pre-Hearing Case Management	155
II.	Convening the Preliminary Hearing	156
	A. Time of the Preliminary Hearing	156
	B. Who Should Participate in the Preliminary Hearing.....	157
	C. Location of the Preliminary Hearing.....	158
	D. Preparing the Agenda for the Preliminary Hearing	159
	E. Giving Notice of the Preliminary Hearing	159
III.	Conducting the Preliminary Hearing	160
	A. Arbitrators' Introductory Statement.....	160
	B. Addressing the Hearing Agenda Items	161
	C. Hearing Procedures Checklist	161
IV.	Memorializing the Preliminary Hearing	164
V.	A Closer Look at Issues Important to the Preliminary Hearing and Pre-Hearing Management.....	165
	A. Identity of the Parties.....	166
	B. Claims and Defenses Presented	166
	C. Applicable Arbitration Agreement, Law, and Rules	166
	D. Disputes Concerning Arbitrability or Jurisdiction	167

E.	Information Required for Additional Arbitrator Disclosures.....	167
F.	Consolidation and Joinder	168
G.	Exchange of Information.....	170
H.	Written Direct Testimony	170
I.	Motions	172
J.	Providing Specialized Information to Arbitrators.....	172
K.	Communication Ground Rules	172
L.	Location of Hearing.....	173
M.	Hearing Dates and Pre-Hearing Submissions.....	173
N.	Hearing Subpoenas/Summonses for Non-Party Witnesses	175
O.	Continuances.....	176
P.	Form of Award	178
Q.	Time of Award.....	179
R.	Considering Issues, Legal Theories, Authorities, or Analysis Not Specifically Raised by the Parties	180
	1. Ascertaining and Applying the Law	180
	2. The Lack of Consensus in the Arbitration Community	181
	3. Some Common Ground	181
S.	Other Matters.....	182
VI.	Encouraging Mediation and Other Settlement Efforts	182
VII.	Subsequent Pre-Hearing Management	184

Chapter 8

INFORMATION EXCHANGE

Gary L. Benton, Ann R. Robertson, and Giovanni M. Ruscitti

		187
I.	Introduction.....	187
A.	Arbitral Authority to Grant and Limit Information Exchange.....	187
B.	Achieving Proportionality in Information Exchange	188
C.	Arbitrators' Tools for Resolving Disputes over Information Exchange.....	189
II.	Document Exchange.....	192
A.	Rules Applicable to Documents.....	192
B.	Documents on Which a Party Intends to Rely	193

	C. The Scope of Document Production Generally.....	194
	D. Duty to Supplement	195
III.	Exchange of Electronically Stored Information (ESI)	195
	A. The Scope of ESI	195
	B. Arbitrators Should Ensure Proportionality in ESI Disclosure	196
	C. Arbitrators Should Limit the Scope of ESI Production.....	197
	D. Arbitrators Should Encourage Using Technology in ESI Production	198
	E. A Redfern Schedule Can Help Resolve ESI Disputes	199
	F. Arbitrators Must Manage the Cost of ESI Disclosure	199
	G. Arbitrators Must Be Prepared to Manage Confidentiality and Privilege Issues	200
IV.	Depositions of Party Witnesses	200
	A. Arbitrators' Authority	200
	B. Limiting Depositions	201
V.	Interrogatories and Requests for Admissions	202
VI.	Discovery of Expert Witnesses.....	203
	A. Expert Witness Reports.....	203
	B. Rebuttal Expert Witnesses	203
	C. Depositions of Expert Witnesses	204
	D. Tribunal-Appointed Experts	204
VII.	Site Inspections	204
VIII.	Protecting Confidentiality and Proprietary Information	205
IX.	Claims of Privilege	206
X.	Information Exchange Disputes	208
	A. Encouraging Voluntary Party Resolution.....	208
	B. Formal Resolution of Information Exchange Disputes and the Use of Sanctions.....	208

Chapter 9

SUMMONING NON-PARTY WITNESSES

Marc J. Goldstein

.....		213
I.	The Power to Summon Non-Parties	213
II.	Establishing the Applicable Statute: Federal or State.....	215
III.	Who May Summon?	219
IV.	When May a Non-Party Be Summoned for Discovery?.....	221

V.	May a Summons Be Served on a Distant Witness?	225
VI.	The Place of the Non-Party Witness Hearing.....	226
VII.	The Enforcing Court: Subject Matter Jurisdiction and Venue	227
	A. Subject Matter Jurisdiction.....	228
	B. Venue.....	231
VIII.	Depositions Pursuant to State Arbitration Laws as a Pragmatic Solution to FAA Enforcement Uncertainties.....	234
IX.	To Whom Should the Witness Raise Objections to the Subpoena?	235
X.	The New York City Bar Association Annotated Model Federal Arbitral Witness Summons	238

Chapter 10

INTERLOCUTORY DECISIONS INCLUDING SUMMARY DISPOSITION

Michael S. Wilk and Laura Abrahamson

.....		239
I.	Introduction	239
II.	Interlocutory Disputes	239
III.	Identifying and Resolving Issues	240
IV.	Motions That May Arise Before or During the Evidentiary Hearing.....	241
	A. Claims of Privilege.....	241
	B. Postponements.....	242
	C. Information Exchange Disputes	244
	D. Dispositive Motions	245
V.	Partial Final Awards, Interim Awards, and Interlocutory Orders	248

Chapter 11

PANEL RELATIONS

Eugene I. Farber, Richard Greenleaf, and Vivien B. Shelanski

.....		253
I.	Introduction.....	253

A.	The Advantages and Disadvantages of a Three-Arbitrator Tribunal.....	256
B.	Chapter Organization	258
II.	Selecting the Third Arbitrator, Usually the Tribunal Chair.....	258
A.	Methods of Selecting the Third Arbitrator and the Tribunal Chair	258
B.	Selecting the Third Arbitrator	259
1.	Preparing for the Selection Process	260
2.	Consulting with the Appointing Party.....	260
3.	Preparing a Candidate List.....	262
4.	Communicating with the Other Party-Appointed Arbitrator.....	263
5.	Obtaining Information from Candidates	264
6.	Possible Need to Repeat the Process.....	266
7.	Breaking an Impasse.....	266
C.	Selecting the Tribunal Chair	268
III.	The Initial Tribunal Conference and the Preliminary Hearing Agenda.....	270
A.	Determining the Tribunal's First Steps	270
B.	Convening the Initial Tribunal Conference	271
C.	Potential Matters to Discuss at the Initial Tribunal Conference.....	272
1.	Introductions	272
2.	Status of Party-Appointed Arbitrators	273
3.	Disclosures	273
4.	Understanding the Parties' Disputes.....	274
5.	Securing Pertinent Materials from the Parties.....	274
6.	Determining the Framework of the Arbitration	275
7.	Clarifying or Modifying the Arbitration Agreement ...	275
8.	Committing to Be Available Throughout the Arbitration.....	276
9.	Communications Among Tribunal Members and with Parties.....	276
10.	The Appropriate Extent of Information Exchange....	277
11.	Arbitrator Questioning of Witnesses.....	278
12.	Seeking Additional Evidence or Legal Authorities.....	279
13.	Protocol for Tribunal Actions	279

14. Addressing Challenges to a Tribunal Member's Continued Service and the Death, Disability, or Resignation of a Member.....	281
15. Agreements with Parties Concerning Fees and Expenses.....	282
IV. Managing the Tribunal While Managing the Case.....	283
A. Tribunal Management in General.....	283
1. Active Participation of All Tribunal Members.....	283
2. Punctuality and Availability	284
3. Death, Disability, or Absence of a Tribunal Member...	285
4. Under- and Over-Management by the Chair.....	288
5. Interfacing with Administering Organizations.....	289
B. Tribunal Involvement in Resolving Challenges to the Continued Service of a Tribunal Member	290
C. Billing Issues.....	294
1. Differences in Amount of Time Billed for Similar Work.....	294
2. Differences in Amounts Invoiced for Expenses	297
3. Monitoring Deposits	297
D. Non-Lawyer Arbitrators	299
1. Introduction.....	299
2. Attributes and Advantages of Non-Lawyer Arbitrators	300
a. Subject Matter Expertise	300
b. Synergy	300
3. Potentially Problematic Aspects of Non-Lawyer Arbitrators.....	300
a. Lack of Legal Expertise.....	300
b. Perspective	302
c. Inexperience as an Arbitrator.....	302
(i) Asking inappropriate questions or making inappropriate comments	303
(ii) Interacting improperly with the parties or witnesses or breaching confidentiality	303
(iii) Disregarding the testimony of witnesses on the basis of personal experience	303
4. The Non-Lawyer Arbitrator as a Wing Arbitrator	303
5. The Non-Lawyer Arbitrator as Chair	304
V. Tribunal Member Misconduct at Hearings.....	304

A.	Introduction	304
B.	Tribunal Member Problems	305
C.	When the Problem Tribunal Member Is a Wing.....	306
D.	When the Problem Tribunal Member Is the Chair.....	307
E.	Potential Solutions to Tribunal Member Misconduct During the Hearing	308
VI.	The Deliberative Process.....	311
A.	When Do Deliberations Begin?	311
B.	Pre-Hearing Discussions	314
C.	Seeking Additional Legal Authority from the Parties or Independently Seeking or Relying on Authorities Not Cited by the Parties	315
D.	Discussions During the Hearing.....	316
E.	Post-Hearing Deliberations	317
F.	How Important Is Unanimity?.....	320
VII.	Preparation of Orders and Awards	322
A.	Administrative Orders	322
B.	Substantive Orders and Awards.....	322
C.	Dissents and Dissenting Opinions	324

Chapter 12

THE MERITS HEARING

Thomas J. Brewer and Richard F. Ziegler

		327
I.	Designing an Appropriate Process.....	327
II.	Setting Ground Rules	330
	A. Standards for Admitting Evidence	330
	B. Order of Proof.....	332
	C. The Daily Schedule.....	334
III.	Managing Exhibits	335
	A. Exhibits at the Hearing.....	335
	1. Submitting Exhibits	335
	2. Which Exhibits to Consider.....	336
	3. Recurring Problem No. 1: The Surprise Exhibit.....	336
	B. Core Exhibits	337
	C. Demonstrative Exhibits.....	338
	D. Exhibits Created During the Hearing	338
	E. Documents-Only Hearings	339

IV.	Managing Testimony	340
A.	Early Disclosure of the Witnesses Who May Be Called.....	340
	Recurring Problem No. 2: The Surprise Witness	340
B.	Examining Witnesses Who Have Provided Witness Statements.....	341
C.	Expert Witnesses	342
D.	Lay Witnesses	344
E.	Testimony from Distant Witnesses	345
F.	Previously Recorded Testimony, Including Deposition Transcripts	346
G.	Dealing with Nonappearance of Witnesses	347
H.	Excluding Witnesses	347
I.	Restrictions on Counsel's Communications with Witnesses During Testimony.....	348
V.	Monitoring Compliance with the Hearing Schedule	349
	Requests for Continuance or Additional Time	351
VI.	Management of Logistics.....	352
A.	Use of Technology	353
B.	Transcripts	353
C.	Hearing Room Logistics	354
D.	Special Needs	354
VII.	Site Visits	354
VIII.	Conducting Remote Hearings via Videoconference Platforms	356
IX.	Arbitrator Conduct During Hearings	359
A.	Controlling the Hearing.....	359
B.	Setting the Tone.....	360
C.	Maintaining an Open Mind.....	360
D.	Calling for Additional Evidence.....	361
	1. Questioning Witnesses	363
	2. Calling for Additional Evidence	364
E.	Discussing the Case with Other Arbitrators	366
F.	Making Further Disclosures.....	367
G.	Addressing Arbitrator Performance Problems	367
H.	Closing the Hearing.....	367
X.	Tools for Helping Arbitrators Assimilate a Complex Commercial Case	369
A.	A Transcript.....	370
B.	Pre-Hearing Briefs.....	370

C. Opening Statements	372
D. Other Materials That May Assist Arbitrators.....	373
E. Final Arguments.....	375
F. Post-Hearing Briefs	377
G. Generative Artificial Intelligence.....	378

Chapter 13

AWARDS

*David Allgeyer, Faith Hochberg, Gary V. McGowan,
Conna Weiner, and David B. Wilson*

.....	381
I. Execution of Arbitral Powers: Making an Enforceable Award	381
II. Scope and Completeness	382
III. Form of Award.....	383
A. Types of Awards	383
B. To Reason or Not.....	386
C. The “Reasoned” Standard	387
IV. Content of Award	389
A. Section I: Procedural History.....	389
B. Section II: Facts	390
C. Section III: Contentions/Issues	391
D. Section IV: Law, Analysis, and Decision	392
E. Section V: Disposition (or Relief Awarded or Denied).....	393
F. Catchall Provision.....	394
V. Preparation and Issuance of Award.....	395
A. Deadline for Issuance	395
B. The Drafting Process	396
VI. Remedies	397
A. Authority to Award Remedies	397
B. Punitive Damages	399
C. Attorneys’ Fees, Arbitrator and Arbitral Institution Fees, and Costs.....	400
1. Attorneys’ Fees	400
2. Arbitrators’ and Arbitral Institution Fees and Expenses.....	401
3. Other Costs	401
D. Pre-Award, Post-Award, and Post-Judgment Interest	402

E. Sanctions.....	403
VII. Dissenting Opinions.....	404

Chapter 14

POST-AWARD MATTERS

Paul J. Dubow and Alan M. Kanter

.....	405
I. Limited Grounds for Post-Award Relief	405
A. Doctrine of <i>Functus Officio</i>	405
1. The Three Recognized Exceptions to <i>Functus Officio</i>	409
a. Correction of a mistake on the face of the award	409
b. Failure to adjudicate a submitted issue.....	412
c. Clarification of an ambiguity	414
2. Interim or Partial Awards	416
3. Other Allowed Post-Award Arbitral Authority	417
B. Interrelationship Between the <i>Functus Officio</i> Doctrine, Institutional Rules, and Arbitration Law	419
C. The Effect of Motions to Modify an Award on Statutory Deadlines for Seeking Vacatur and Confirmation of Awards.....	420
D. Checklist for Arbitrators to Consider Before Modifying an Award.....	421
II. Issues Arising on Court Remand of a Final Award.....	422
A. Complying with the Court's Remand Instructions	423
B. Remands and Compilation of Arbitration Records	423
C. Fees and Costs Incurred in Addressing Awards on Remand	425
D. Checklist for Arbitrators Faced with Remand	426
III. Post-Award Ethics Issues	427
A. Maintaining Confidentiality of the Arbitration Proceeding	427
B. Assisting the Parties in Understanding the Award.....	429
C. Post-Award Relationships with Parties and Counsel.....	430

Chapter 15

CLASS AND MASS ARBITRATION

Carol E. Heckman and John M. Townsend

.....	433
I. The Context: Class Actions, Class Action Waivers, and the Reaction	433
II. Class Arbitrations: The Traditional Mechanism for Resolving Many Rights in One Action	435
A. Competence for Appointment as a Class Arbitrator	435
B. Disclosure in Class Arbitration.....	437
C. General Commercial Rules and Specific Class Arbitration Rules	437
D. Clause Construction: Construing Intent Regarding Class Arbitration.....	438
E. Waiver of Class Arbitration	439
F. Timing and Finality of Clause Construction Awards	440
1. The Clause Construction Award	440
2. Ripeness/Finality of the Clause Construction Award.....	441
G. The Certification Hearing.....	442
H. Partial Final Awards on Class Certification.....	447
I. Class Certification Notice.....	448
J. Managing a Class Arbitration.....	449
K. Attorneys' Fees for Class Counsel	450
L. The Final Class Award.....	451
M. Settlement of Class Arbitrations.....	451
1. The Benefit to the Class.....	451
2. Release of Claims Against the Respondent.....	452
3. Awarding Attorneys' Fees and Costs After Settlement.....	452
4. Settlement Approval Procedures	453
N. Confidentiality	454
III. Mass Arbitration: Resolving the Same Claims in Many Actions	456
A. Defining Mass Arbitration	456
B. Institutional Responses to Mass Arbitration.....	457
C. Accepting Appointment: Disclosure in Mass Arbitrations.....	460

D. Case Management Techniques for Parties' Competing Objectives Concerning Economy	461
1. Institutional Responses	462
2. The Process Arbitrator	463
3. Tools for the Merits Arbitrator	465
E. Navigating Preclusion Issues in Mass Arbitration	466
F. The Evolving Legal Landscape in the Courts	469

Chapter 16

UNIQUE ISSUES IN CONSTRUCTION ARBITRATION

*Herbert H. (Hal) Gray, III, L. Tyrone Holt,
and Deborah B. Mastin*

.....	473
I. Introduction.....	473
A. Complexity of Construction Process Equals Complexity of Disputes	474
B. Number and Classes of Parties and Participants.....	474
C. Number of Contract Documents	475
D. The Overlay of Governmental Oversight Requirements.....	476
E. Diversity of Contracting Models and Allocation of Project Risk.....	476
F. Construction Industry Norms and Construction Jargon ...	478
G. Use of Experts, Initial Decision Makers, and Dispute Boards.....	480
H. Unique Remedies and Legally Implied Terms and Defenses.....	482
I. Industry Developments and Trends That Contribute to Disputes	483
J. Overview of Common Construction Disputes	485
1. Defects and Deficiencies	486
2. Time-Relaxed and Extra-Cost Disputes.....	486
II. Selecting and Vetting of Construction Arbitrators.....	489
III. Unique Aspects of Administering a Construction Arbitration	492
IV. Pre-Hearing Information Exchange	495
V. Unique Issues in Construction Defect Cases	497
A. Joinder and Consolidation	498
B. Dispositive Motions and Bifurcation of Issues	499

VI.	Designing and Conducting a Site Visit	501
VII.	The Admission of Evidence in Construction Arbitrations	503
	A. Fact Witness Conferencing	505
	B. Expert Witness Conferencing (Hot-Tubbing or Tandem Experts).....	507
	C. Chess Clocks	508
	D. Witness Statements	509
	E. Procedures for Subcontractor Pass-Through Claims	510
VIII.	Construction Arbitration Awards.....	512
IX.	Mechanic's Lien Issues in Arbitration	515

Chapter 17

INTERNATIONAL ARBITRATION

(Preliminary Matters)

Grant Hanessian and Lawrence S. Schaner

.....		519
I.	Introduction.....	519
II.	Costs: Institutional Filing and Administrative Fees	522
III.	Appointment Process.....	523
	A. Initial Communication Regarding Possible Appointment ...	523
	B. Arbitrators' Determination of Willingness, Suitability, Fitness, and Availability to Serve	525
	C. Arbitrator Disclosures	527
	1. IBA Conflicts Guidelines.....	528
	2. Due Diligence in Determining Disclosures	531
	3. Availability.....	531
	4. Challenges to Appointment.....	532
	5. Arbitrators' Terms of Engagement.....	535
	6. Disclosures During the Proceeding	536
IV.	Emergency Arbitrators.....	537
V.	Determining Jurisdiction and Arbitrability	540
	A. Challenges to Arbitrators' Jurisdiction.....	540
	B. Challenges to Arbitrability of a Party's Claims	542
	C. Formalizing Arbitrators' Decisions on Jurisdiction, Arbitrability, and Competence	543
VI.	Comparing Institutional Rules on Costs, Tribunal Composition, and the Tribunal's Authority over Jurisdiction and Arbitrability.....	544

Chapter 18

INTERNATIONAL ARBITRATION

(Conduct of Proceedings)

Sherman Kahn and Richard L. Mattiaccio

.....	559
I. Preliminary Hearings/Case Management Conferences	559
II. Initial Procedural Order and Other Preliminary Orders, <i>E.g.</i> , Terms of Reference.....	561
III. Applications for Conservatory or Interim Measures.....	563
IV. Requests and Applications.....	564
V. Information Exchange and Document Disclosure	566
A. Witness Statements	567
B. Document Production.....	568
VI. Expert Witnesses.....	571
A. Party-Appointed Experts	572
B. Tribunal-Appointed Experts	573
VII. Written Submissions.....	574
VIII. The Merits Hearing.....	576
A. Preparations.....	577
B. Organization of the Hearing.....	578
C. Confidentiality.....	581
IX. The Award.....	582
X. Post-Award Proceedings.....	584
XI. Expedited International Arbitration Rules	586

Chapter 19

SERVING AS ARBITRATOR AND MEDIATOR

IN THE SAME DISPUTE

Peter R. Silverman

.....	589
I. Introduction.....	589
II. Institutional Rules	590
III. Accepting Appointment to Serve as Both Mediator and Arbitrator in a Mixed Mode Proceeding	591
A. Ethical Considerations.....	591
B. Fitness to Serve.....	593
C. Disclosure Obligations	593

	D. Other Factors Bearing on the Decision to Serve	594
IV.	The Neutral's Role in Ensuring the Parties' Informed Consent to the Dual-Role Process	595
	A. Obtaining the Parties' Informed Consent	595
	B. The Agreement	596
	1. Consent to the Neutral's Dual Role.....	596
	2. Description of the Process	597
	3. Mediation Caucuses	598
	4. Evidence to Be Considered in the Arbitration.....	598
	5. Arbitration Hearing Procedure	600
V.	Management of Mediation and Arbitration in Dual-Role Processes	601
	A. The Mediation Phase	601
	B. The Arbitration Phase.....	603
VI.	Arbitration Awards in Dual-Role Processes	604
VII.	Aspects of Dual-Role Processes in International Arbitration ..	606
	A. Accepting the Engagement	606
	B. Rules Governing Dual-Role Processes	607
	C. Ensuring Enforceability of the Award.....	609

Chapter 20

CYBERSECURITY, DATA PROTECTION, AND ARTIFICIAL INTELLIGENCE

Stephanie Cohen and Mark C. Morril

		611
I.	Introduction	611
II.	The Meaning of Cybersecurity and Related Concepts.....	612
III.	Cybersecurity Risks in Commercial Arbitration.....	613
	A. The Risk Landscape	613
	B. The Commercial Arbitrator's Duty to Take Reasonable Cybersecurity Measures	616
	1. Expectations of Parties and Counsel	616
	2. Arbitrator Ethical Codes.....	618
	a. The duty of competence.....	618
	b. The duty of confidentiality.....	619
	c. The duty to protect the integrity of the arbitral proceeding.....	620

3.	Institutional Rules and Guidance Notes	620
4.	Regulatory Obligations	622
5.	Standard of Reasonableness	622
C.	Baseline Cybersecurity Practices	623
1.	Knowledge and Education	624
2.	Asset Management	624
3.	Access Controls	627
4.	Encryption	629
5.	Communications Security	629
6.	Physical and Environmental Security	631
7.	Operations Security	632
8.	Security Incident Management	633
D.	Case-Specific Cybersecurity	634
IV.	Data Protection	639
A.	Applicability of Data Protection Statutes and Regulations in the Arbitration Process	639
B.	Case-Specific Data Protection Measures	641
V.	Artificial Intelligence	642
A.	Artificial Intelligence and the Arbitration Process	642
B.	Considerations for Arbitrators in Their Use of AI Tools	644
1.	The Duty of Competence	645
2.	The Duty of Confidentiality	646
3.	The Duty to Disclose	647
4.	The Duty Not to Delegate Personal Mandate	647
5.	The Duty to Protect the Integrity of the Arbitral Process	647
C.	Arbitrators' Management of Participants' Use of Artificial Intelligence	648

Appendix I

GUIDANCE NOTE: ARBITRATION AND SOCIAL MEDIA

Gary L. Benton

Appendix II

GUIDANCE NOTE :
DIVERSITY RESOURCES FOR ARBITRATORS

Harold Coleman, Jr. and Angela Foster

..... 663

ACKNOWLEDGMENTS

..... 673

INDEX

..... 679

PREFACE

In an increasingly interconnected and complex global economy, commercial arbitration has emerged as a cornerstone of dispute resolution, offering businesses a flexible, efficient, and often private alternative to traditional litigation. Its adaptability to the diverse needs of commercial parties makes it a preferred mechanism for resolving disputes in industries ranging from construction and finance to technology and international trade. However, the effectiveness of arbitration depends heavily on the knowledge, preparation, and practices of those who engage in it.

This fifth edition of *The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration* is designed to provide practical insights and best practices for commercial arbitration practitioners, whether they are seasoned in the field, advocates, or new to the process. It serves as a road map to navigating the nuances of arbitration, from nominating arbitrators to managing procedural challenges to the drafting and enforcing of arbitral awards. It follows four previous editions of the *Guide* and provides important updates based on developments in the law and practice of arbitration as well as the collective wisdom and experience of CCA Fellows, who are among the foremost practitioners in the field of commercial arbitration.

This guide is designed not only to discuss arbitration law and principles but to provide actionable strategies for optimizing the arbitral process. Drawing on lessons learned from real-world cases, input from leading practitioners, and developments in arbitral institutions, it distills essential principles into a practical resource for anyone practicing in the field.

As the arbitration landscape evolves, shaped by technological advancements, regulatory changes, and shifts in global commerce, so too must the practices of those who participate in it. By adhering to the best practices outlined here, users of this guide can ensure that arbitration remains a robust, efficient, and fair means of resolving disputes.

This fifth edition of the *Guide* would not have been possible without the extraordinary efforts of our editors and contributors, all busy practitioners in their own right. They include Neal Eiseman, past-President of the CCA, who understood the centrality of the *Guide* to the CCA's mission of promoting best practices in commercial arbitration, and who led and assembled the editorial team of John M. Barkett, Deborah A. Coleman, John Burritt McArthur, Myra C. Selby, and Steven Skulnik, and the many chapter editors

who are identified in the detailed table of contents and the acknowledgements. Other Fellows took time out of their busy practices to contribute their wisdom to this edition. Thank you to all.

We at the College of Commercial Arbitrators hope this guide equips you with the tools and understanding needed to practice successfully in this evolving field. Keep it on your desktop; undoubtedly, you will be using it often.

Dana Welch
President – 2024-25
College of Commercial Arbitrators

ABBREVIATIONS

AAA	American Arbitration Association
AAA/ABA Code	AAA and American Bar Association Code of Ethics for Arbitrators in Commercial Disputes (2004)
AAA Class Rules	AAA Supplementary Rules for Class Arbitrations (2003)
AAA Constr. Rules	AAA Construction Industry Arbitration Rules (2024)
AAA Consumer Rules	AAA Consumer Arbitration Rules (2014)
AAA Empl. Rules	AAA Employment Arbitration Rules (2023)
AAA Mass Supp. Rules	AAA Mass Arbitration Supplementary Rules (2024)
AAA Rules	AAA Commercial Arbitration Rules (2022)
ARIAS·US Code of Conduct	AIDA Reinsurance and Insurance Arbitration Society Code of Conduct
BAC	Beijing Arbitration Commission
CAA	California Arbitration Act
Cal. Ethics Standards	California Standards for Neutral Arbitrators in Contractual Arbitrations
CCA	College of Commercial Arbitrators
CIETAC Rules	China International Economic and Trade Arbitration Commission Arbitration Rules (2015)
CPR	International Institute for Conflict Prevention & Resolution
CPR Admin. Int'l Rules	CPR Rules for Administered Arbitration of International Disputes (2019)
CPR Admin. Rules	CPR Administered Arbitration Rules (2019)
CPR Non-Admin. Int'l Rules	CPR Rules for Non-Administered Arbitration of International Disputes (2018)

CPR Non-Admin. Rules	CPR Non-Administered Arbitration Rules (2007)
DIAC	Dubai International Arbitration Centre (DIAC) Arbitration Rules (effective May 7, 2007)
ESI	Electronically stored information
FAA	Federal Arbitration Act
FINRA	Financial Industry Regulatory Authority
FRCP	Federal Rules of Civil Procedure
HKIAC Rules	Hong Kong International Arbitration Centre Administered Arbitration Rules (2024)
IBA	International Bar Association
IBA Conflicts Guidelines	IBA Guidelines on Conflicts of Interest in International Arbitration (2014)
IBA Party Representative Guidelines	IBA Guidelines on Party Representation in International Arbitration (2013)
IBA Rules	IBA Rules on the Taking of Evidence in International Arbitration (2010)
ICC	International Chamber of Commerce
ICC Rules	ICC Rules of Arbitration (2017)
ICDR	International Centre for Dispute Resolution
ICDR Guidelines	ICDR Guidelines for Arbitrators Concerning Exchanges of Information
ICDR Rules	ICDR International Arbitration Rules (2021)
JAMS Int'l Rules	JAMS International Arbitration Rules (2021)
JAMS Rules	JAMS Comprehensive Arbitration Rules and Procedures (2021)
KCAB	Korean Commercial Arbitration Board International Arbitration Rules (2016)
KLRCA	Kuala Lumpur Regional Centre for Arbitration Rules (effective June 1, 2017)
LCIA Rules	London Court of International Arbitration Rules (2014)

NYCBA	New York City Bar Association
New York Convention	Convention on the Recognition and Enforcement of Foreign Arbitral Awards
Panama Convention	Inter-American Convention on International Commercial Arbitration
RUAA	Revised Uniform Arbitration Act (2000)
SCC Rules	Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce (2017)
SCC Rules	Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce (2023)
SIAC Rules	Arbitration Rules of the Singapore International Arbitration Centre, effective August 1, 2016
UAA	Uniform Arbitration Act
UNCITRAL	United Nations Commission on International Trade Law
UNCITRAL Model Law	United Nations Commission on International Commercial Arbitration (Model Law)
UNCITRAL Rules	United Nations Commission on International Trade Law Arbitration Rules (2013)

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This fifth edition of this guide would not exist without the hard work of the CCA Fellows who envisioned and created the original guide, and the contributions of those who made sure that subsequent editions were current and comprehensive. All of us who worked on this fifth edition recognize that we stand on their shoulders. Everyone who contributed to any edition of the *CCA Guide to Best Practices* as a CCA Fellow is listed below alphabetically. The names of the fifth edition chapter editors are in **bold**. Because the content of chapters previously titled “Motions” and “Substantive Interlocutory Decisions and Awards” was reorganized in this edition, the prior contributors to those chapters are listed below under “Motions and Awards.” We also acknowledge and appreciate the contributions of others to this edition, including Tina Patterson and Brandon Camp.

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ARBITRATOR FEES AND EXPENSES

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Chapter 6
**EMERGENCY ARBITRATORS AND
INTERIM RELIEF**

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**PRELIMINARY HEARING AND
PRE-HEARING CASE MANAGEMENT IN GENERAL**

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SUMMONING NON-PARTY WITNESSES

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Chapter 10 (and 13)
INTERLOCUTORY DECISIONS INCLUDING
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PANEL RELATIONS

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MOTIONS AND AWARDS

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UNIQUE ISSUES IN CONSTRUCTION ARBITRATION

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IN THE SAME DISPUTE

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Appendix II**GUIDANCE NOTE: DIVERSITY RESOURCES
FOR ARBITRATORS**

Harold Coleman, Jr. and Angela Foster