



INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

ICDR Rule Developments



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International Dispute Resolution Trends

	2005	2006	2007	2008	2009	2010	2011	2012	2013
ICDR	580	586	621	703	836	888	994	996	1165
ICC *	521	563	599	663	817	793	796	759	#
CIETAC	427	442	429	548	560	418	470	#	#
LCIA	118	133	137	213	272	237	224	#	#
HKIAC *	281	394	448	602	746	291	502	293	#
SIAC	29	47	55	71	114	140	135	235	#
SCC	53	64	81	74	96	91	199	177	#
ICDR Med	68	74	74	94	70	58	95	105	74
ICDR Web	47	54	75	85	96	147	163	185	313



ICDR & AIPN EVENT

Dispute Resolution in the International Oil & Gas Business

15-17 October, 2014 | Sheraton Eau Claire Hotel
Calgary, Alberta, Canada



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Energy Arbitrators List



E A L
ENERGY ARBITRATORS LIST

powered by



INTERNATIONAL CENTRE
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- www.energyarbitratorslist.com
- Updated list of arbitrators
- Publicly accessible
- User friendly
- 13 Industry Segments



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Historical Context

1986

- AAA – Supplemental Rules for International Commercial Arbitration

1991

- AAA International Arbitration Rules Introduced – Modeled on UNCITRAL Rules 1976

1996-1997

- ICDR Created as Division of AAA – Rules Amended To Give Arbitrators Tools for Effective Case Management

2003

- Mediation Rules Added – Combined with Arbitration Rules in ICDR International Procedures

2006

- Opt-Out Emergency Measures Procedure Added – 39 Cases to Date

2008

- ICDR Guidelines for Arbitrators Concerning Exchanges of Information

2013-2014

- Comprehensive Review of Rules Undertaken



ICDR RULE CHANGE GOALS AND HIGHLIGHTS

Increased ICDR Process Description

- Admin Call
- Mediation
- ICDR List & Challenge Process
- Award Review

Arbitrator Appointment

Party Waiver for conflicts

Availability expressly required

Continued Emphasis on Economy

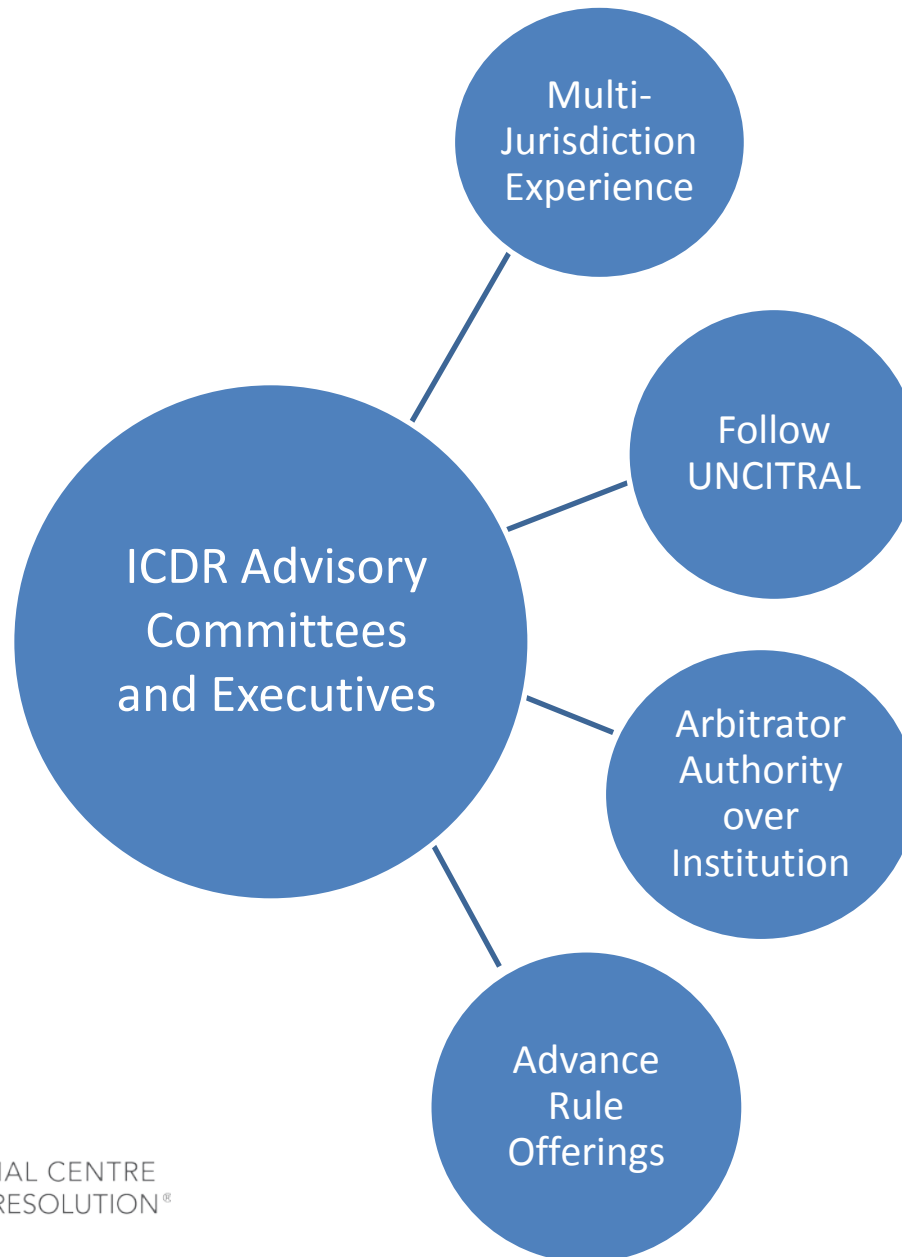
- Expedited
- New 60 day Award Period

Reorganize & Bring all ICDR Rules Together

Incorporate Guidelines into Rules



ICDR RULE CHANGE PHILOSOPHIES



ICDR FINAL OFFER PROCEDURES

The "all or nothing" award compels the parties to seriously consider the benefits of settlement and the value submitted in their final offers.

Arbitration
Filed

1st Settlement
Offers
exchanged 120
days prior to
arbitration
hearing

2nd Settlement
Offers
exchanged 45
days prior to
arbitration
hearing

Final Offers
submitted 2
weeks prior to
arbitration
hearing

Final Offers
Opened by
Arbitrator(s)
only after
arbitration
hearings are
closed



ICDR EXPEDITED PROCEDURES

Estimated 135 day cycle time to get an Award

Applies for Cases below USD \$250,000
Written Submissions only for USD \$100,000

Detailed
Submissions

Arbitrator
Appointment
ICDR List due
back within
10 Days

Procedural
Conference
and Order
due within
14 Days from
Appointment

Proceedings
on Written
Submissions
due within
60 Days from
Order

Proceedings
with an Oral
Hearing held
within **60**
Days from
Order

The Award is
due within
30 Days from
Closing of
Hearing



NEW ICDR RULE - Article 8 - Consolidation

Applicability of Article	Any party may request the appointment of a consolidation arbitrator who has power to consolidate two or more cases under any ICDR or AAA rules.
Time to Appoint Consolidation Arbitrator	After 15 days from notice of consolidation and the absence of party agreement on process or arbitrator
Concurrent Proceedings	Consolidation arbitrator may order other cases to be stayed
Consolidating the Cases	If consolidated, all cases will be consolidated into the cases that was commenced first. Parties can agree otherwise.
Consolidation Arbitrator Appoints the New Arbitral Tribunal	Parties waive right to appoint arbitrator. The consolidation arbitrator has authority to name one of the existing tribunals, revoke any arbitrator appointment and complete, as necessary, the appointment of the tribunal.
Consolidation Decision	Rendered within 15 days of final submissions and does not require reasoning.



ICDR List Appointment of Arbitrators

Claimant

Jose Martinez	6
Emily Morse	X
Ricardo Suarez	X
Dorothy San Martin	3
James De Groot	X
Linda Cruz	4
Jan Van Leeuwen	10
Ramon Gonzales	X
Abigail Jimenez	2
Cecilia Webber	5
Esteban Garza	7
Barry Lewis	9
Mercedes Sala	1
Nathaniel Gillespie	X
Sarah Durham	8

Respondent

Jose Martinez	X
Emily Morse	1
Ricardo Suarez	10
Dorothy San Martin	3
James De Groot	X
Linda Cruz	2
Jan Van Leeuwen	6
Ramon Gonzales	X
Abigail Jimenez	5
Cecilia Webber	X
Esteban Garza	8
Barry Lewis	X
Mercedes Sala	9
Nathaniel Gillespie	4
Sarah Durham	7

← 1st

← 2nd

← 3rd



Article 14.2 – Challenge of an Arbitrator

Upon receipt of such a challenge, the Administrator shall notify the other party of the challenge. **When an arbitrator has been challenged by one party, the other party or parties may agree to the acceptance of the arbitrator but shall notify the tribunal that a challenge has been received, without identifying the party challenging. ...** When an arbitrator has been...



New Article 21 Exchange of Information

Applicability	Guidelines created in 2008 are now new Article 21 in 2014.
Document Production	All document requests must be “relevant and material”
E-discovery limitations	e-docs produced in most convenient form Requests must be “narrowly focused”
Depositions, Interrogatories and other US Discovery Procedures	<u>Generally not appropriate for obtaining information in an arbitration under ICDR International Arbitration Rules</u>
Arbitration Tribunal Authority	Manage with a view to maintain efficiency and economy May draw adverse inferences May take failure into account in allocating costs



Article 30 - **Time, Form and Effect of Award**

30.1...the final award shall be made no later than 60 days from the date of the closing of the hearing.

30.4 The award shall be transmitted in draft form by the tribunal to the Administrator. ~~Copies of~~
‡The award shall be communicated to the parties by the administrator.



Thank You!

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