



CPR Releases Revised Non-Administered Arbitration Rules

Revisions clarify scope of Tribunal's authority to decide jurisdictional challenges and recognize practice of designating "emergency arbitrators"

Other key updates include new "Young Lawyer" Rule; inclusion of cyber issues in the required items for discussion at preliminary conference; and sections concerning multi-party proceedings, joinder and consolidation, and intervention when there is a disagreement over arbitrator compensation

New York – March 5, 2018 – The International Institute for Conflict Prevention and Resolution (CPR), a global non-profit organization that advances dispute prevention and resolution practices and provides high quality solutions, announced that its revised Rules for Non-Administered Arbitration of [Domestic](#) and [International](#) Disputes became effective March 1 and will be formally unveiled at CPR's Annual Meeting, March 8-10 in Atlanta.

CPR's Rules for Non-Administered Arbitration were originally developed by CPR to provide procedures to facilitate the conduct of the arbitration process fairly, expeditiously and economically. The Rules offer a disputant an opportunity to develop and present its case. Parties that choose arbitration over litigation do so in large part out of a need or desire for an out-of-court proceeding that is confidential, expeditious and cost-effective. The Rules were designed with each of these objectives in mind. The 2018 revision—created under the direction of CPR's esteemed Non-Administered Arbitration Rules Revision Committee, with notable efforts from Committee Chair, Dana C. MacGrath, Sidley Austin; Paul Bruno, Fluor Corporation; John Buckley, Williams & Connolly LLP; and Michael McIlwrath, GE Oil & Gas; and CPR SVP Dispute Resolution Services, Helena Tavares Erickson—largely adheres to the original version with updates only where necessary.

Included in the revised Rules is a ["Young Lawyer" Rule](#) that aims to increase opportunities for junior lawyers to take a more active role in arbitration hearings.

"CPR's Non-Administered Arbitration Rules have been well received for the last three decades, and we continue to refine them," said Ms. Erickson. "The Revised Rules are a testament to our commitment to continuously enhancing our products as the needs of our users change."

“CPR’s 2018 Non-Administered Arbitration Rules prioritize party autonomy to control the arbitration process while providing the structure needed for an efficient and fair arbitration proceeding,” said Ms. MacGrath. “They also allow the parties to seek limited administrative support from CPR to the extent that is needed in a particular case.”

The revisions include the following provisions:

Rule 15.7 continues to commit the parties and the arbitrator(s) to use their best efforts to assure that the dispute will be submitted to the Tribunal for decision within six months after the initial pre-hearing conference and clarifies that the final award will be rendered within one month after the close of proceedings. Rule 8.1 clarifies that the Tribunal’s authority to decide jurisdictional challenges extends to both the subject matter of the dispute and parties to the arbitration.

Rule 14 has been renamed to conform to practice of designating “special arbitrators” as “emergency arbitrators” and continues to allow for emergency measures by an emergency arbitrator prior to tribunal selection.

Counsel are expected to cooperate fully with the Tribunal and with each other to assure that the proceeding will be conducted with civility in an efficient, expeditious and economical manner. Rule 17.3 continues to empower the arbitrators in apportioning costs to take into account, *inter alia*, “the circumstances of the case” and “the conduct of the parties during the proceeding.” This broad power is intended to permit the arbitrators to apportion a greater share of costs than they otherwise might to a party that has employed tactics the arbitrators consider dilatory, or in other ways has failed to cooperate in assuring the efficient conduct of the proceeding. A new addition to Rule 17.1 allows CPR to intervene when there is a disagreement over an arbitrator’s rate of compensation.

New Rules 3.10 and 3.11 provide processes for joinder and consolidation. Rule 5.4, amended to conform to CPR’s practice in composing lists of arbitrators, provides for the “screened selection” of party-designated arbitrators if the parties have agreed to such procedure, whereby the arbitrators are to be designated by the parties without knowledge of which party designated them. Rule 5.5 deals with the constitution of the Tribunal where the arbitration agreement entitles each party to appoint an arbitrator but there is more than one Claimant or Respondent to the dispute. Rule 9.3(b) addresses the early disposition of claims, defenses and other factual and legal issues, now expressly referring to CPR’s *Guidelines on Early Disposition of Issues in Arbitration*. A new Rule 9.3(f) provides for the possibility of implementing steps to address issues of cybersecurity and protecting the security of information in the arbitration.

About CPR: CPR is an independent nonprofit organization that has helped global businesses prevent and resolve commercial disputes effectively and efficiently for more than 40 years. Our membership consists of top corporations and law firms, academic and government institutions, and leading mediators and arbitrators around the world. CPR is unique as: (1) a thought leader, driving a global dispute resolution culture; (2) a developer of cutting edge tools and resources, powered by the collective innovation of its

membership; and (3) an ADR provider offering innovative, practical arbitration rules, mediation and other dispute resolution procedures, and neutrals worldwide. For more information, please visit www.cpradr.org.

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