FORM FOR TRACKING USE OF CPR’S YOUNG LAWYER RULE (R. 12.5) IN ARBITRAL PROCEEDINGS

In order to train the next generation of lawyers and increase the diversity of lawyers appearing before arbitral tribunals, CPR has added to its domestic and international arbitration rules a Young Lawyer Rule (Rule 12.5), which encourages tribunals to permit junior lawyers to examine witnesses and present arguments if lead counsel and the client agree.

A number of CPR neutrals have reported that they have successfully utilized the Young Lawyer Rule during their arbitral hearings. In order to monitor and track the Rule’s usage and impact, we’ve created this short form to provide you with an opportunity to describe your experience with the Rule.

CPR encourages you to bring Rule 12.5 to the parties’ attention. Sample language you may consider including in a procedural order or other communication with the parties is provided below.

Please return completed form to Helena Taveras Erickson at herickson@cpradr.org

1. Did you highlight Rule 12.5 to the parties during the pre-hearing conference, in a procedural order or otherwise?
   ___ Yes
   ___ No

2. Did a less experienced/more junior attorney examine witnesses and/or present oral arguments during the arbitral hearing?
   For Claimant(s):
   ___ Yes
   ___ No
   For Respondent(s):
   ___ Yes
   ___ No

3. Counsel for Claimant(s):
   Lead counsel (lawyer who primarily spoke):
   ___ Male
   ___ Female
   ___ Person of Color
   ___ otherwise self-identified as diverse

   Secondary counsel (less experienced/more junior lawyer):
   ___ Male
   ___ Female
   ___ Person of Color
   ___ otherwise self-identified as diverse
4. Counsel for Respondent(s):

**Lead** counsel (*lawyer who primarily spoke*):

___ Male
___ Female
___ Person of Color
___ otherwise self-identified as diverse

**Secondary** counsel (*less experienced/more junior lawyer*):

___ Male
___ Female
___ Person of Color
___ otherwise self-identified as diverse

5. How long had the **less experienced/more junior attorney** been practicing law:

For Claimant(s):

___ 1-5 years
___ 6-9 years
___ 10+ years

For Respondent(s):

___ 1-5 years
___ 6-9 years
___ 10+ years

6. Please include any comments, questions or observations here:

SAMPLE LANGUAGE TO INCORPORATE INTO PROCEDURAL ORDERS OR OTHERWISE

In accordance with the new Rule 12.5, lead counsel are encouraged to permit more junior lawyers with significantly less arbitration experience than lead counsel to examine witnesses at the hearing and present argument. Experienced counsel may assist.

12.5 In order to support the development of the next generation of lawyers, the Tribunal, in its discretion, may encourage lead counsel to permit more junior lawyers with significantly less arbitration experience than lead counsel to examine witnesses at the hearing and present argument. The Tribunal, in its discretion, may permit experienced counsel to provide assistance or support, where appropriate, to a lawyer with significantly less experience during the examination of witnesses or argument. Notwithstanding the contents of this Rule 12.5, the ultimate decision of who speaks on behalf of the client in an arbitration is for the parties and their counsel, not the Tribunal.