

Fast Track Arbitration Rules

1. The Rules of the International Institute for Conflict Prevention and Resolution for Non-Administered Arbitration (“Non-Administered Rules”) shall apply to Fast Track Arbitration except as modified herein.

2. Initiation of Arbitration and Notice of Defense

- a. Arbitration shall be initiated pursuant to the Non-Administered Rules.
- b. The Respondent shall have ten days to serve its notice of defense to the claim.
- c. As part of any notice of claim or defense, a party shall provide:
 - i. adequate notice of all claims or defenses as applicable;
 - ii. a separate section identifying the parties’ relationship;
 - iii. a separate section identifying the significance of the dispute to that relationship;
 - iv. a separate section articulating the desired result or claim for relief;
 - v. a separate section listing names and addresses of all reasonably potential witnesses;
 - vi. a separate section identifying the location and the categories of all documents in the party’s possession, custody or control that may be relevant to the dispute;
 - vii. a statement of any subject matter expertise the party believes is needed for a just resolution.
- d. Any notice required hereunder may be provided by email or fax.
- e. Any counterclaim shall be asserted with the notice of defense. The counterclaim and notice of defense to the counterclaim shall follow the procedures set forth above.

3. Selection of Arbitrator

- a. By selecting these rules of procedure, the parties are agreeing that one arbitrator shall hear and decide the dispute.
- b. No later than five days after the issues have been joined through service of the last due notice of defense, the parties shall exchange lists of proposed arbitrators. The parties shall at the same time serve on CPR all notices of claims and defenses together with proposed lists of arbitrators.
- c. No later than ten days after the issues have been joined, the parties will notify CPR whether they have resolved the selection of an arbitrator by mutual agreement. In the absence of mutual agreement, both parties will be deemed to have requested CPR to select the single arbitrator. CPR shall follow the procedures set forth in Rules 6.4 and 6.5 of the

Non-Administered Rules and select the arbitrator to hear the dispute who shall be neutral and independent.

d. The arbitrator shall commit to hold hearings and render an award within the time periods established by these Rules.

4. Arbitration Locale

a. The parties shall mutually agree on the locale for arbitration no later than five days after the issues have been joined through service of the last due notice of defense.

b. In absence of agreement, the arbitrator shall determine the appropriate locale as provided for in Rule 9 of the Non-Administered Rules and the arbitrator's decision shall be final and binding.

5. Pre-hearing Conference

Within 5 business days of appointment, the arbitrator shall hold a pre-hearing conference as contemplated by Rule 9 of the Non-Administered Rules to address all issues set forth in Rule 9 and any other matter which the arbitrator or parties believe is relevant. The arbitrator may hold one or more conferences in the arbitrator's discretion.

6. Limited Discovery

a. Except as otherwise ordered by the arbitrator, discovery shall be limited to the exchange of documents.

b. Upon date(s) established by the arbitrator, both parties will serve on the other:

i. all non-privileged hardcopy and electronic documents that they reasonably believe are relevant to any issue to be resolved in the arbitration;

ii. a privilege log with a sufficient description so that the assertion of privilege can be appropriately evaluated by the non-producing party and the arbitrator;

iii. in addition, each party may serve a list of particular categories of documents needed with respect to the dispute, which list shall attempt to be as specific as reasonably practicable, and each party shall then serve in response a statement of whether the initial production included the requested documents and, if not, whether the production will be supplemented or whether there is an objection thereto;

iv. any documents not produced two weeks prior to the arbitration hearing may not be used by the producing party at the hearing, except for rebuttal documents, which may be admitted in the discretion of the arbitrator.

7. Neutral Expert

a. If the arbitrator deems it appropriate, the arbitrator may appoint an independent neutral expert to assist the arbitrator in gathering facts necessary to a full resolution by direct interviews with party representatives prior to the hearings.

b. The neutral expert shall render his report in writing with copies to each party.

c. The cost for the neutral expert shall be shared by the parties.

8. Hearings

a. Hearings may be held or witnesses presented by video conference or such other manner as the arbitrator deems appropriate.

b. The arbitrator may impose a timed hearing with equal time for either party to present its evidence. In any timed hearing, a party may present a witness on direct examination through an affidavit. The arbitrator may also limit the number of experts to be presented by the parties.

c. The arbitrator shall determine the appropriate procedures for the arbitration bearing in mind that the parties selected fast track arbitration to achieve a fast, equitable solution without the formalities required by judicial processes.

d. The parties shall produce such evidence as the arbitrator deems necessary to understand and to determine the matters in dispute. The arbitrator shall have the power to subpoena witness or documents upon request of either party or as deemed necessary by the arbitrator.

e. Unless the parties have otherwise jointly consented, hearings will commence within sixty days of case commencement and will be closed within thirty days thereafter. The arbitrator will make every effort to schedule each side's presentation of evidence on consecutive days.

f. If the parties have related agenda items pending in mediation, at the request of either party, the mediator (if separate from the arbitrator) may attend any of the arbitration sessions.

9. Award

a. The arbitrator may refer any portion of the dispute to mediation before rendering an award. Mediation will be conducted in accordance with CPR's fast track mediation procedures.

b. The award will be rendered within fourteen days of the close of hearings.

c. The arbitrator will render a written reasoned award.

d. If the award is rendered before the expiration of the fourteen day period, CPR shall notify the parties two business days before publication of the award in order to afford the parties time to resolve any dispute directly.

10. Costs

All costs shall be borne equally by the parties but the arbitrator may divide costs as the arbitrator deems appropriate as part of the award.

For information on how to file a matter with CPR, see <https://www.cpradr.org/dispute-resolution-services/file-a-case>.