

Limitations on Arbitrators' Use of Associates

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- General Practice: Arbitrators do not generally use associates or the like in domestic cases and only occasionally do so in international cases.
- Canon V.C of the Code of Ethics for Arbitrators in Commercial Disputes: “An arbitrator should not delegate the duty to decide to any other person.”
- Canon VI.B: “.... An arbitrator may obtain help from an associate, a research assistant or other persons in connection with reaching his or her decision if the arbitrator informs the parties of the use of such assistance and such persons agree to be bound by the provisions of this Canon.”
- Absence of Disclosure Requirement in Canon VI.B: Canon VI.B does not reference Canon II's requirement that “AN ARBITRATOR SHOULD DISCLOSE ANY INTEREST OR RELATIONSHIP LIKELY TO AFFECT IMPARTIALITY OR WHICH MIGHT CREATE AN APPEARANCE OF PARTIALITY.”
- Reading of Canon II into Canon VI.B: Reading the disclosure requirements of Canon II into Canon VI.B seems prudent.
- Canon II's disclosure obligation: Canon II.A(2) requires that persons requested to serve as arbitrators disclose, *inter alia*:
 - any known existing or past financial, business, professional or personal relationships which might reasonably affect impartiality or lack of independence in the eyes of any of the parties. *They should also disclose any such relationships involving their families or household members or their current employers, partners, or professional or business associates that can be ascertained by reasonable efforts*; [emphasis supplied]
- Requirement under Canon II to Disclose the Associate's Connections with the Case: Even if Canon VI.B does not require disclosure of the associate's connection with the case, Canon II.A(2) would appear to require such disclosure.
- Billing Guidelines: Under the AAA's Billing Guidelines for Commercial, Construction, and Employment Neutrals, arbitrators may only bill for study time at the rates set forth on their panel cards. Arbitrators would need to make special arrangements with the parties through the AAA to be able to bill for an associate's time.