

ABOUT The ADR Providers

American Arbitration Association or AAA

www.adr.org

www.mediation.org

www.icdr.org

The AAA is a not for profit offering mediation, arbitration and other neutral services. They are the largest administrator of alternative dispute resolution services worldwide. The AAA offers specialty rules for sectors such as commercial, construction and labor/employment. Their website contains educational tools for users that provides options for drafting clauses and other important information. The AAA also trains thousands of neutrals and advocates each year.

The AAA provides services in the U.S and abroad through the International Center for Dispute Resolution (ICDR). Its headquarters is in lower Manhattan but they have twenty offices throughout the U.S. The AAA established Mediation.org in 2013 to focus its efforts on mediation.

The AAA offers education to mediators and arbitrators through AAA Education Services.

CPR or International Institute for Conflict Prevention and Resolution

www.cpradr.org

CPR was formed in 1977 bringing together Corporate Counsel and their firms to find ways to lower the cost of litigation. CPR was the first to develop an ADR Pledge[®]. Today, this Pledge obliges over 4,000 operating companies and 1,500 law firms to explore alternative dispute resolution options before pursuing litigation.

CPR's membership is comprised of executives and legal counsel from global companies and law firms, government officials, retired judges, highly experienced neutrals, and leading academics. Through their numerous Committees and Task Forces, CPR uses the expertise of these legal minds to develop rules, protocols, white papers and other tools to more effectively resolve conflict.

CPR is best known as a think tank that publishes books and best practices that are models in the dispute resolution field. They have an award-winning newsletter called *Alternatives* that previews many of the changes, and a blog

called “CPR Speaks” that covers more fast-breaking developments.

Until recently CPR’s model was to offer non-administered rules. They developed rules and a list of mediators and arbitrators but it was up to the parties and the panel to administer the case unless the parties arranged for CPR administration through a program (e.g. The Wellington Agreement) or in their contracts. CPR will serve as billing agent for matters filed under the non-administered rules charging the parties on an hourly basis.

On July 1, 2013, CPR launched its administered rules targeting complex commercial disputes. The rules provide for party appointment of arbitrators but absent party agreement, the Chair must be from the CPR arbitrator panel. Several companies have included the administered rules in clauses and one matter (later settled) was filed under the new Rules. In another case, the filing party filed under the Administered Rules but in the end the case used the Global Accelerated Commercial Rules due to the date of the clause. The International Administered Rules were released in December 2014. A dozen cases have been filed under these Rules.

JAMS – The Resolution Experts

www.jamsadr.com

JAMS was founded in 1998 by combining a California based dispute resolution provider named Judicial Arbitration and Mediation Service¹ and an East Coast dispute resolution provider named Endispute. Some JAMS’ neutrals have an ownership interest in JAMS and take part in the management and direction of the Organization. Historically, JAMS is known for having a panel primarily comprised of retired federal and state judges because of its roots in California. By combining with dispute resolution providers like Endispute and active recruitment, JAMS has expanded its panel to include attorneys that do not have prior judicial experience and neutrals that do not serve full-time. Similar to the AAA, JAMS resolves disputes involving a myriad of subject matters including business/commercial, construction, and disaster recovery. The majority of JAMS filings are resolved through mediation; however, it has a robust arbitration practice.

ARIAS-US

www.arias-us.org

¹ Judicial Arbitration and Mediation Service was established in 1979.

ARIAS•U.S. is a not-for-profit corporation that promotes improvement of the insurance and reinsurance arbitration process for the international and domestic markets.

They are promoting mediation, however most disputants in the reinsurance arena want a resolution and not a compromise.

Most cases are resolved by a handful of arbitrators. Most of their arbitrators are former senior executives with carriers.

FINRA

www.finra.org

FINRA operates the largest securities arbitration forum in the United States to assist in the resolution of monetary and business disputes involving investors, securities firms, and individual brokers. All rules related to the FINRA arbitration program have been filed with and approved by the SEC, after publication in the Federal Register and a finding by the SEC that such rules are in the public interest. FINRA's arbitration forum has 71 hearing locations—at least one in every state. Depending on the amount of damages being sought, disputes in the arbitration forum are heard by either a panel of three arbitrators, or by a single arbitrator. In all cases involving investors, parties have the option to have their case decided exclusively by public arbitrators who have no ties to the securities industry. Brokerage firms pay for most costs, and FINRA waives fees for investors experiencing financial hardship. The average turnaround time across all arbitration cases is 15 months. FINRA publishes detailed arbitration statistics on its website, including the number of cases filed and their respective outcomes. All arbitration awards are made publicly available on FINRA's website.

Training and Credentials for Becoming an Arbitrator or Mediator

International Mediation Institute

www.imimmediation.org

IMI is a non-profit public interest initiative that drives transparency and high competency standards into mediation practice across all fields worldwide.

IMI has 40 Qualified Assessment Programs (QAPs) worldwide that certify mediators. In the U.S. the AAA, CPR, JAMS, The New Jersey City University Center for International Dispute Resolution, Columbia University's School of Continuing Education and The Bridges Academy are QAPs. IMI is user driven and the feedback digest for mediators that is required as part of being a certified

mediator is a resource for potential users considering the selection of a mediator. The digests can be found on IMI's website.

In 2013 IMI launched standards for certifying mediation advocates. Law firms can use certification as a competitive edge.

IMI has a network with the Singapore International Mediation Institute/Singapore International Mediation Center (SIMC) and the Florence International Mediation Chamber (FIMC). Additional relationships in Africa, the Middle East, Europe, and South America are being formed. Both SIMC and FIMC require IMI certification for inclusion on their panels.

ABA/DR Section

http://www.americanbar.org/groups/dispute_resolution.html

The ABA offers training for neutrals on a regular basis. Some particular programs include:

Arbitration Institute – Three-day program developed by the College of Commercial Arbitrators, AAA and JAMS. The program is focused on arbitrators and arbitration practitioners and is held in the early summer.

Mediation Institute – Three-day program focused on mediator and mediation advocacy. The program is held each year in November.

Spring Conference – The Conference will be held in Minneapolis in April 2019. The ABA solicits presenters and programs during the summer preceding the conference and generally accepts 90 programs.

The ABA offers international programs. In November 2014 a trip was offered for Cuba and in 2015 a Summit was held in India. In 2019 they will be traveling to Florence, Italy.

Monthly webinars and teleconference CLEs are offered.

Women In Dispute Resolution or WIDR was established in 2012 to develop women neutrals. WIDR offers programs that combine practice development, networking and substantive learning. In 2015, the ABA launched Minorities in Dispute Resolution with similar goals to WIDR.

The ABA also offers professional liability insurance for mediation and arbitration practice. Specifics can be found on the Section's webpage.

AAA

The AAA roster includes over 8,000 people with backgrounds as business executives, law firm partners, educators and others. All candidates for the AAA panel of neutrals are required to satisfy their requirements and attend annual trainings offered by the AAA. Information about the AAA's educational programs can be found at <https://www.adr.org>

The AAA is committed to diversity and offers a special program for people with diverse backgrounds to break into the field – the Higginbotham Fellows Program.

Neutrals are paid their going hourly or per diem rate for services provided.

CPR

When determining whether to accept a candidate for CPR's panel of neutrals, CPR considers candidates' education, experience with complex commercial matters, ADR training, ADR experience, references and, where appropriate, substantive experience in a given field. CPR strives for geographic and other diversity. All CPR neutrals are expected to maintain the highest ethical standards as set out by the governing ethical codes and rules.

To apply to be a CPR Neutral, a candidate must complete a Neutral Application Form and return it by email. Neutrals are approved for specific panels such as employment, insurance, policy-holder, intellectual property to name a few. Committees in each of the specialized areas review completed applications. There is a three to six month backlog for Specialty Committee review of applications to CPR's Panels.

CPR does have a listing fee to continue on its panel. The fee is \$395 for the first panel and \$100 for each additional panel plus 5% of amounts billed for hearing/mediation sessions. A refund of a portion of the fee will be made the following year for years in which no case is received. Panelists set their own rates for assignments. For more information go to www.cpradr.org

CPR offers arbitrator training in collaboration with other organizations like the Chartered Institute of Arbitrators. CPR also offer mediator skills training in conjunction with the Center for Effective Dispute Resolution (CEDR).

FINRA

FINRA maintains a roster of more than 7,500 arbitrators. FINRA regularly recruits professionals with established careers, including attorneys, professionals with MBAs, and business owners. More than 3,500 of FINRA's approximately 7,500 arbitrators are attorneys. More than 100 arbitrators are currently, or were formerly judges. Additionally, FINRA actively recruits minority and female arbitrators, and publishes data on the diversity of the arbitrator pool on its website.

Arbitrator applicants must have a minimum of five years of paid work experience—inside or outside of the securities industry—and two years of college-level credits. No previous arbitration, securities, or legal experience is required to apply. FINRA provides free training and continuing education for arbitrators on a broad range of topics.

Arbitrators receive an honorarium for each hearing session they attend: typically \$600 per day or \$725 per day for arbitrators serving as chairpersons.

In addition to arbitrators, FINRA has a highly qualified roster of mediators. FINRA mediators have subject matter knowledge and significant and relevant experience in both investor disputes and securities employment disputes. For more information about becoming a FINRA arbitrator or mediator, go to the Become an Arbitrator and Become a Mediator pages on FINRA's website.

OTHER ORGANIZATIONS

ARIAS-US

ARIAS neutrals are generally senior executives or lawyers from the insurance or reinsurance industries. ARIAS has a number of ways to become certified that include industry experience and training. Recertification is required every two years. Look to the ARIAS-US website at <http://www.arias-us.org> for details. There is a separate website for reinsurance arbitrators in London.

Neutrals are paid their going rate. A limited number of arbitrators are appointed to most of the cases.

ICC

<http://www.iccwbo.org/Products-and-Services/Arbitration-and-ADR/Articles/2014/ICC-Court-further-extends-worldwide-reach-in-2013>

In 2013 the ICC opened an office in New York to administer cases in North America. The entity formed is called SINCANA, Inc. Anyone can add their name to ICC's directory of experts for consideration as an arbitrator or mediator. In order to be selected, a potential neutral needs to become known by the SINCANA staff or the lawyers who select neutrals. The ICC charges a fee to be listed as an expert on their list of experts.

New York State Bar Association Section for Dispute Resolution

www.nysba.org

The Section for Dispute Resolution offers many education programs for potential mediators and arbitrators. Some target new neutrals while others enrich the skills of more experienced neutrals and advocates. Some regular offerings include:

Mediator Skills and Advanced Mediator Skills – This is a two part multi day program that will help qualify an attendee for the Commercial Division mediation panel.

Arbitration Training – This is a multi-day program offered for new and experienced arbitrators and arbitration advocates both domestic and international.

Fall Conference – This is a one day program focused on skills for members.

Annual Meeting – This is a half day program held during the NYSBA annual meeting in January each year.

The Section also offers programming and other opportunities for law students and young lawyers including:

- Arbitration Moot
- NYSBA ACCTM Writing Competition
- Dispute Resolution Clinic
- Law Student and Young Lawyer Reception
- Scholarships for women and minorities
- Mentoring for women and minorities

The Section has about 20 Committees that develop policy, monitor the field, and offer education programs. The Committees are subject and field oriented including: Arbitration, Mediation, ADR in the Courts, International Dispute Resolution, Diversity, and Legislation. The Mediation Committee created a video for pro se disputants so they understand the value and goal of mediation.

Finally, the Section publishes a quarterly magazine focused on the field. The Section regularly seeks contributors to the Dispute Resolver

Small Business Arbitration Center of New York

www.sbacnyc.com

This Center was established in New York to assist small business owners in resolving disputes. They describe their neutrals as planning change advocates. The Center offers several certification programs for neutrals.

List Serves

John Jay Listserve

<http://listserver.jjay.cuny.edu/cgi-bin/wa.exe?SUBED1=NYC-DR&A=1>

Peter Lurie's Arbitration Listserve

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DISCLAIMER: This document was prepared to assist individuals who are thinking of a career as a mediator or arbitrator. Anyone using the information should refer to the websites referenced for the latest information on the organizations or programs.