

Driving Toward More Diverse Selection of Neutrals

Discussion Questions | May 16, 2023 | Howard University School of Law



Types of Arbitrations/Metrics

- Do you specialize in any particular subject-matter area? (e.g., contract, intellectual property, labor/employment, investor-state)?
- Describe the complexity of the matters you have arbitrated (e.g., novel/complex issues, multiple claims/counterclaims, multiple parties, motions, damages/attorney fees)?
- How often have you served as a chair versus a wing?
- How many awards have you drafted entirely on your own? With the help of others?
- Have any of the awards in which you participated been overturned or confirmed by a court of law?
- On average, how long would you say it takes for your awards to be issued from the time the hearing closes?
- What are your fees for arbitration?

Conduct of Arbitration

- Do you have a standard approach for managing an arbitration?
 - Do you insist any part of a matter must be in person?
 - How do you maintain order during conferences? At the hearing?
 - How much control over the process should be allocated as between the parties or the arbitrator? Do you view the arbitration process as democracy, autocracy, or something else entirely?
 - How do you handle difficult parties?
- Do you have standard procedural orders? Is there anything unique that you include in your orders and that you would like to share?
- What are your views as to the role of discovery in the arbitral process? Are you a minimalist, a maximalist or something else?
 - Do you have a standard approach to handling discovery disputes?
- Do you favor motions practice? How so or not so?
 - What do you consider when determining whether to allow a dispositive motion or not?
- What is your approach to the presentation of evidence? (Live witnesses versus written testimony)
- What is your approach to expert evidence?
- How do you think a tribunal should work together during an arbitration and in issuing an award?
- What is your approach to understanding an issue that you are having difficulty comprehending?
- In rendering an award, do you believe in strict adherence to the law, or do you take a more flexible approach?
- What is your policy for allocating costs between the parties?
- What do you think are the keys to ensuring an efficient and fair arbitration process?
- How would others describe your arbitral disposition?
- How do you feel about virtual proceedings/are you comfortable proceeding in a virtual setting / what do you perceive as the advantages or drawbacks of proceeding virtually?