

CHECKLIST FOR ARBITRATORS

This checklist has been prepared to ensure that all arbitrations are conducted in accordance with the Rules of Court and procedures approved by the Conference of Civil Presiding Judges and Judicial Council.

- 1) Introduce all participants.
- 2) Explain the adjudicatory nature of the proceeding and his/her background as an unbiased attorney approved by the court and local bar.
- 3) Take stipulations.
- 4) Swear in witnesses.
- 5) Allow all sides to present relevant information.
- 6) Make a determination based solely on the evidence presented and either call a “no cause” or award full value.
- 7) Complete the written award ensuring that brief findings of fact and conclusions of law are included and that the absence of parties, or relevant evidence, or of items of incomplete discovery is noted.
- 8) Absent exceptional circumstances, deliver the award in the presence of the parties.
- 9) If the arbitrator conducts a settlement conference prior to rendering a decision on the merits of the case, he or she should not continue the arbitration process, but should instead turn the arbitration over to another arbitrator. Otherwise, the arbitrator should not engage in settlement negotiations until after the award form is completed and only with the parties’ consent.