



# **The Center for Legal Solutions, Inc.**

**A Non-Profit Organization Dedicated to Dispute Resolution**

## **OPTIONAL RULES FOR ARBITRATION PROCEEDINGS INVOLVING COMPLEX ISSUES OR MULTIPLE PARTIES**

These Optional Rules for Arbitration Proceedings Involving Complex Issues or Multiple Parties supplement the Center for Legal Solutions' generally applicable Rules for Arbitration where Parties have agreed to follow these optional Rules. To the extent that these Additional Rules conflict with generally applicable Rules, these Additional Rules shall take precedence.

### **CA 1. Early Planning Conference**

As soon as possible, but no less than 30 days after the Commencement of Arbitration, the Arbitrator shall convene an Early Planning Conference with the Parties. The purpose of the Early Planning Conference is to establish an orderly plan to conduct discovery and to proactively resolve issues that may interfere with the Parties' ability to prepare for their Arbitration Hearing, including:

1. Early identification and narrowing of the issues in arbitration. The arbitrator may request that the Parties prepare and submit brief on any unusual points of law that may be pertinent to the resolution of the issues.
2. The Arbitrator may issue Temporary Orders at the Early Planning Conference as the Arbitrator deems necessary in respect of the subject matter of the dispute, including injunctive relief and measures for the preservation of assets, the conservation of goods or the sale of perishable goods, provisional remedies and temporary awards. The Arbitrator may require security for the costs of such measures.
3. Creating a plan to complete any necessary discovery, including, but not limited to: (a) early identification and resolution of discovery disputes, (b) stipulating to allow discovery obtained in prior litigation between the parties to be used in arbitration, (b) whether the period of time prior to the Pre-Hearing Conference should be shortened or lengthened because of specific circumstances of the case; (c) the extent of and schedule for production of documents and other information, (d) the scheduling of depositions, (e) the need for and scheduling of third party discovery, and (f) measures for the disclosure or discovery of electronically stored documents.
4. The need for special appointments, including Guardian Ad Litem and experts.
5. Whether additional parties or claims should be joined or consolidated.
6. Disclosure and resolution of any known or foreseeable conflict of interest that would compromise the arbitrator's impartiality or ability to serve.

At the Early Planning Conference, the Arbitrator may in his or her discretion consider witness affidavits or other recorded testimony even if the other Parties have not had the opportunity to cross-examine, but will give that evidence only such weight as the Arbitrator deems appropriate.

A request for interim measures by a Party to a court shall not be deemed incompatible with the agreement to arbitrate or as a waiver of that agreement.

#### **CA 2. Discovery Permitted**

The Parties may obtain discovery through the following means: depositions, interrogatories, requests for documents, requests for admissions, requests for examinations, and inspections of land or other property. The scope of discovery permitted through these means shall be the same as discovery permitted under the Georgia Civil Practice Act. Discovery requests and responses shall be made in time and manner outlined in the Georgia Civil Practice Act. The availability of discovery procedures does not obviate the disclosures required by these Rules.

#### **CA 3. Interim Conferences to Resolve Discovery Disputes**

If the Parties are unable to resolve discovery issues without the assistance of the Arbitrator, either Party may contact the Center for Legal Solutions to request a Conference to Resolve Discovery Disputes. The Arbitrator may issue orders to compel discovery, issue sanctions, and award expenses of litigation. The Arbitrator may also issue orders to protect the confidentiality of proprietary information, trade secrets, privileged and other sensitive information. Abuse of discovery procedures by any Party undermines the core values of arbitration as an efficient and prompt means of dispute resolution and should be the subject of sanctions by the Arbitrator.

#### **CA 4. The Pre-Hearing Conference**

As soon as possible, but no less than three (3) months after the Planning Conference, the Arbitrator shall convene the Pre-Hearing Conference with the Parties.