

# Practical tips for the selection of arbitrators

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ASA below 40



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# 1. Criteria for selecting a co-arbitrator (I)

- > Principle: parties' freedom to select their co-arbitrator
- > Restrictions to the parties' free choice:
  - > impartiality and independence  client-internal clearing
  - > requirements in the arbitration agreement
  - > requirements in arbitration rules, e.g. list of arbitrators


# 1. Criteria for selecting a co-arbitrator (II)

## Basic criteria:

- > Availability
- > Language skills
- > Nationality?

# 1. Criteria for selecting a co-arbitrator (III)

## Qualification-related criteria:

- > Familiarity with applicable law
- > Experience in this type of business / transaction
- > Openness to discuss choice of chair
- > Predisposition towards client's position 

# 1. Criteria for selecting a co-arbitrator (IV)

## Personality-related criteria:

- > Commitment
- > (Social) competence
- > Diligence and integrity
- > Reputation

## 2. Interviewing of potential co-arbitrators

- > Art. 5.1 IBA Rules of Ethics
- > Green List 4.5.1 of Guidelines on Conflicts of Interest
- > Important: inquire into conflicts of interest
- > OK: confirming above criteria, except predisposition
- > NO: discussing merits of dispute / procedural issues

### 3. Particularities for sole arbitrator / chair

- > Experience in efficient management of proceedings
- > Availability more important
- > Nationality more important
- > Relationship with co-arbitrators (“equidistance”)
- > Practicability: infrastructure & location



Thank you for your attention.

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