

CHAPTER V

THE ARBITRATOR

1. Who May Act as Arbitrators.
2. Bias or Partiality.
3. Waiver of Disqualifications.
4. Partisans or Advocates as Arbitrators.
5. Fraud and Misconduct.
6. Technical Competence.
7. Powers of Arbitrators.
8. Selection of Arbitrator by the Parties.
9. Selection by the Court.
10. Selection of Additional Arbitrator or Umpire.
11. Notice of Appointment.
12. Importance of Standing Panels.
13. Substitutions.
14. Termination of Authority.
15. Personal Liability of an Arbitrator.

It is unquestionably true, as experience has proved, that the success or failure of an arbitration depends largely upon the arbitrators. By success is meant an impartial proceeding and a just award which inspires respect and confidence on the part of all persons concerned in the arbitration.

When an agreement to arbitrate is entered into, the qualifications of arbitrators and their selection for a particular case or as members of an arbitration board are, therefore, matters which should generally occupy the attention of the parties to a controversy.

In making a selection of arbitrators to settle a particular controversy, the parties are participating in an event, the importance of which extends beyond their immediate interests; and arbitrators engaged in determining a dispute occupy a more responsible place in business or public affairs than is indicated by a particular controversy. When they conduct a proceeding with integrity and render a just award, they not only render justice as between the parties but they contribute to the maintenance of commercial peace and to the improvement of personal relations within the trade. They increase the prestige of arbitration and they add to the dignity of the office; and, by increasing confidence in the remedy of arbitration, they advance its general use. This ever widening circle of influence gradually improves trade practices and relationships throughout commerce.

Parties, therefore, have a choice: They may select persons to act as impartial and upright judges with a view to obtaining a just decision, having in mind the benefit of such a decision to their own trade or to commerce generally; or they may choose partisans or ill qualified persons in the hope of gaining a personal advantage, thereby restricting the benefits of arbitration.