



# American Arbitration Association® Administrative Review Council

## Overview and Guidelines

### A. Overview

The Administrative Review Council (ARC) will act as the administrative decision-making authority for the AAA® to resolve certain administrative issues arising on large, complex domestic cases. Administrative issues that AAA case managers should submit to the ARC, as further outlined in Section D below, are: objections to arbitrators, locale determinations, and whether the filing requirements contained in the AAA's Rules have been met. At the discretion of the ARC's chairperson, the ARC may review these issues arising in other AAA administered cases.

The ARC has been developed to ensure that these issues in large cases are reviewed and resolved at a high level by individuals within the AAA with significant arbitration experience. ARC's primary responsibility is to ensure that decisions are made after careful consideration of the issues presented and the parties' contentions, while upholding the arbitration process' integrity and the parties' confidence in that process, as well as ensuring greater continuity in administrative decision-making for AAA cases.

### B. Structure

The ARC will include at least five voting members, including a chairperson, constituted from among internal, divisional and corporate executives, or external members such as retired AAA executives, AAA board members, or other individuals with arbitration expertise. The ARC may also include additional non-voting members as determined by the chairperson. A member of the legal department will also serve as a non-voting liaison to the ARC.

### C. Meeting Schedule

The ARC will establish weekly meetings to hear and decide issues raised for review. Meetings may take place via conference call or any other means. At the discretion of the chairperson, additional ARC meetings may also be scheduled based on workload and particular case needs.

### D. Scope of Authority

The ARC will act as the administrative decision-making authority for the AAA's large, complex domestic caseloads to resolve arbitrator objections, locale determinations, and whether the filing requirements contained in the AAA's Rules have been met. The appropriate AAA site executive has the discretion whether to request that the ARC decide if the filing requirements contained in the AAA Rules have been met. ARC may also review arbitrator objections, filing requirement



issues, and locale determinations arising in other AAA administered cases subject to approval by the chairperson to accept these submissions.

For ARC's purposes, filing requirements disputes are those disputes that could impact the AAA's determination whether or not to administer a matter, including signatory issues or other questions regarding whether a party has met the AAA's filing requirements. The AAA is not authorized to make arbitrability determinations; however, ARC will review disputes about whether a matter has been properly filed with the AAA. The ARC may determine that the AAA will proceed to administer an arbitration, with the direction that the parties may present their jurisdictional or arbitrability dispute to the arbitrator once appointed.

### E. Issue Submission

1. Issues may be submitted to the ARC by the appropriate AAA site executive.
2. Upon the discretion of the chairperson or ARC, submissions involving issues outside ARC's scope of authority or incomplete submissions may be rejected and returned to the submitting executive.
3. Upon the discretion of the chairperson or ARC, additional information may be requested from a party or arbitrator prior to ARC's making a final determination on the issue.

### F. Decision-Making

The ARC chairperson or their designee will circulate a list of the cases and document submissions to be reviewed and decided prior to each meeting of the ARC.

1. All participating ARC members must have reviewed the document submissions assigned to them prior to the call.
2. Any ARC member wishing to be heard on a case issue will be given the opportunity to present their views and supporting rationale. The case issue will be presented via document submissions; parties will not have an opportunity to be heard at any ARC meeting.
3. Any ARC member who submitted an issue for review will not vote on the issue but may attend the ARC meeting.
4. Decisions will be made by a panel of at least three ARC members designated by the chairperson.
5. Decisions will be made in accordance with the ARC Review Standards.
6. Decisions will be by a majority vote of the designated panel of ARC members assigned to a case, and the results will be promptly announced to the appropriate case management staff.
7. All decisions of the ARC will be confirmed in writing and include the following:
  - a. Case number
  - b. Issue presented



- c. Date of the conference call
- d. Decision – ARC decisions are issued without opinions or additional explanation or reasoning.

## G. Escalation

The AAA may escalate certain issues for additional review to the full ARC or to a Senior Management Committee.

1. *Escalation to the full ARC.* For any non-unanimous ARC decision, any ARC member may request that the full ARC hear and decide the pending issue. For matters referred to the entire ARC, at least five voting members of the ARC must be present to vote and consider a matter.
2. *Escalation to Senior Management Committee.* The legal department liaison may raise a pending issue to the AAA's General Counsel, who will convene a committee of the AAA senior management for further consideration. Any decision made by the senior management must be by a majority.



120 Broadway, 21<sup>st</sup> Floor  
New York, NY 10271  
Telephone: +1 800.778.7879  
information@adr.org

Visit us on the Web at [adr.org](http://adr.org)

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