

STANDARDS OF CONDUCT FOR ARBITRATORS IN THE COURT- ANNEXED ARBITRATION PROGRAM

The following Standards of Conduct shall be applicable to arbitrators in any arbitration proceedings conducted in the New Jersey court system pursuant to *Rule 4:21A*.

STANDARD I - IMPARTIALITY

An arbitrator must conduct arbitrations in an impartial manner. An arbitrator should avoid any conduct that might give the appearance of partiality towards any party. An arbitrator should withdraw from a matter if he or she becomes unable to remain impartial in that matter.

An arbitrator should make all determinations based solely on the relevant objective facts and merits of the case, impartially and without prejudice because of a party's background or personal characteristics, social or economic status, actions at the arbitration hearing, or any other factors not directly relevant to the facts or merits of the matter.

STANDARD II - CONFLICTS OF INTEREST

An arbitrator, upon being assigned to arbitrate a particular matter, shall make reasonable inquiry to ascertain whether there are any facts or circumstances regarding the matter that might impair or be seen to impair the arbitrator's impartiality in the matter, including any financial or personal interest in the outcome of the arbitration, or any existing or past relationship with a party, counsel, or any other participant or foreseeable participant in the arbitration. The arbitrator shall disclose any such facts or circumstances to the parties as soon as practicable after becoming aware of them. If any such conflict of interest would cast doubt on the integrity of the process or the program, the arbitrator should decline or withdraw from the assignment. However, if the conflict of interest is of a less substantial magnitude, after consultation with the parties and after consultation also with a judge to whom the matter has been referred by the Civil Division Manager, the parties, judge, and arbitrator may agree that the arbitrator nonetheless may serve or continue to serve as arbitrator in the matter.

An arbitrator should not ordinarily recommend the services of particular professionals to assist the parties or counsel in any arbitration proceeding. However, the arbitrator may suggest the names of professionals if a request for a recommendation is made jointly by all parties and provided that in so recommending the arbitrator does not create or engage in a conflict of interest.

STANDARD III - COMPETENCE

In order to serve as an arbitrator, an individual must have a sufficient level of experience and competence to handle arbitrations of the type of matter in dispute. If an arbitrator believes that he or she does not possess the level of competence or experience necessary to handle a particular matter, he or she should not serve as an arbitrator in that matter and thus should decline the assignment or withdraw from the case.

STANDARD IV - CONFIDENTIALITY

An arbitrator serves in a quasi-judicial capacity and, as such, shall treat all information obtained during the course of an arbitration proceeding consistent with *Rule* 1:38 of the Rules of Court. An arbitrator should never use information acquired during an arbitration proceeding to gain a personal advantage or benefit, to gain an advantage or benefit for others, or to adversely affect the interests of another.

STANDARD V - QUALITY OF THE PROCESS

Arbitrators shall conduct arbitration proceedings fairly, diligently, judiciously, and in a manner respectful of all parties and participants. This requires a commitment by the arbitrator to fairness, high standards, due process, diligence, sensitivity toward the parties, and maintenance of an atmosphere of respect among the parties. An arbitrator should explain to all participants at the outset of the process the procedures that will be followed in the process.

An arbitrator should accept an assignment to serve as an arbitrator only if able to commit the time and attention necessary for to the fair and effective handling and resolution of the matter. The arbitrator should conform to any time deadlines required by the Rules of Court.

An arbitrator should treat parties and counsel with sensitivity, with civility and with respect, and should encourage the parties and counsel to treat each other in the same way.

The arbitrator should provide each party or counsel with an adequate and fair opportunity to make their presentation in the matter and to challenge the presentation of their adversaries. The arbitrator should determine the matter based solely on the parties' presentations on the merits.

Since the role of an arbitrator in a particular matter is to make a quasi-judicial determination, an arbitrator should refrain from providing professional advice in that matter and should at all times distinguish between the role of arbitrator and that of adviser. Arbitrators should refrain from conducting settlement conferences in a matter unless specifically requested to do so by all parties.

The arbitrator shall not engage in *ex parte* communications with participants in a case. The arbitrator may, however, discuss the merits of a case with those parties present at a hearing if another party fails to appear at the hearing after having received due notice.

If the arbitrator discovers an intentional abuse of the arbitration process by a party or counsel, the arbitrator may discontinue the arbitration and advise the Civil Division Manager or Arbitration Administrator of that discontinuation and the reason therefore.