



## How to File Your Arbitration Case

### Step 1. Check your contract (or agreement) to confirm jurisdiction.

In order to proceed with case administration, the ICDR® must verify, on a threshold level, whether we have the administrative jurisdiction. Check to see whether your contract or agreement provides for an arbitration clause which refers to either the AAA® (American Arbitration Association®) or the ICDR (International Centre for Dispute Resolution®). Typically, an arbitration clause is located towards the end of a contract. If the contract does contain the clause you may proceed to step 2. Otherwise, please see Step 1-1.

#### **Step 1-1. You do not have a contract (or agreement) with the other side, the contract does not contain an arbitration clause, or it contains an arbitration clause but it does not refer to AAA or ICDR.**

In these situations, the ICDR can proceed if the other side agrees. You may contact the other side(s) and jointly fill out a Submission to Arbitration, which can be found on our website. Once you have the complete Submission agreement form signed by all parties, you may proceed to Step 2.

**Still not sure?** For any enquiry regarding an arbitration clause, please contact the ICDR at any time.

Once you confirm the ICDR's jurisdiction, you may begin the arbitration process by getting together the following documents:

- Notice of Arbitration and/or a Statement of Claim explaining the nature of the dispute and the relief requested
- The contract with the arbitration clause that refers to the AAA or ICDR or the Submission agreement signed by all parties
- Any supporting documents or exhibits
- Appropriate filing fee

### Step 3. File your case.

When you have all the above documents ready, you can file your case in any one of the following ways:

- Online: <https://apps.adr.org/webfile>
- Email box: [casefiling@adr.org](mailto:casefiling@adr.org)
- Facsimile: 1 877-304-8457 or +1 212-484-4178 (fax number outside the US)
- Mail: American Arbitration Association—Case Filing Services, 1101 Laurel Oak Road, Suite 100, Voorhees, NJ 08043, USA



**Important Note:** You must also send a copy of all documents (Notice of Arbitration and any supporting documents) to the other side and keep a copy for your records. Additional information about filing by mail can be found on our website.

### Step 3. What happens next?

*Initiation Letter:* Within a few days of submitting all the necessary documents, you will receive an Initiation letter acknowledging the receipt of your filing. The Initiation letter contains important information including the date, time, and agenda for an administrative conference call, in which all parties may participate.

*Administrative Conference Call:* This conference call is important to establish effective conduct throughout the process. During this call, various administrative matters will be discussed, such as the selection method for the arbitrator(s), the possibility of mediation, and other issues. In cases where a party is unable or unwilling to participate, the ICDR may proceed, and all parties will be given an opportunity to participate with written comments. From this point on, your case manager will assist you regarding all administrative matters.

**Important Note:** Please keep in mind that since case managers must remain impartial and independent, they are not your legal representatives. Therefore, all communication from you to us must be made with notice to the other side (i.e., copying the other side in the email communication to us or via joint conference call). While ICDR staff cannot offer parties or their counsel legal advice, we can assist the parties in facilitating procedural solutions. Please do not hesitate to call or email us if you have any procedural or administrative question.

### Step 4. Emergency Measures of Protection under Article 37

If you are in need of emergency relief prior to the constitution of the arbitrator tribunal and the ICDR's International Dispute Resolution Procedures applies to the proceeding (see your arbitration clause), you may initiate an Article 37 proceeding.

You must notify the ICDR and all other parties in writing that you wish to invoke emergency relief under Article 37, clearly stating:

- The nature of the relief sought.
- The reasons why such relief is required on an emergency basis.
- The reasons why the party is entitled to such relief.
- That all other parties have been notified or an explanation of the steps taken in good faith to notify other parties.

Such notice may be given by email, facsimile transmission, or other reliable means. This type of request needs to be filed either simultaneously with the main dispute or anytime after the main dispute has been filed. Please find more detailed information about the process on our website.