



## Pension/ERISA Arbitrators: What Attorneys Expect

Choosing the right arbitrator is one of the most important decisions parties make in the dispute resolution process. AAA® panelists undertake serious responsibilities and ethical obligations to the public as well as to the parties, and it is crucial that parties know the AAA requires strict standards of ethics and experience for every panel member.

Parties need an arbitrator who understands the intricacies, vulnerabilities, and variances of their cases and industries. Expertise, knowledge, mastery, and proficiency in a particular field is crucial because of what is at stake.

The recommendations below were provided by pension/ERISA attorneys at a roundtable hosted by the AAA.

### On Selection

- AAA resumes should reflect detailed information on the subject-matter issues; key words are very important.
- AAA resumes should reflect one's experience in arbitration and/or other forms of dispute resolution.
- Parties select arbitrators primarily based on their background and experience.
- Parties select arbitrators who understand how to interpret the statutes.
- Parties select arbitrators because of their reputation for integrity, fairness, and good judgment.
- Published articles and mentions in publications, blogs, and speaking engagements are additional information that parties will often look for when they are not familiar with an arbitrator.
- Parties prefer to select arbitrators who are timely and current on their decisions/rulings.

### On Conducting the Arbitration

- Arbitrators should control the proceedings effectively.
- Arbitrators should have good case-management skills.
- Arbitrators should be responsive.
- Arbitrators should be well prepared for the preliminary conference.
- Arbitrators should allow the parties to set the deadlines for the case, whenever possible.
- Parties prefer that rulings and awards clearly reflect both the factual and the legal conclusions conclusions.