



Working Together to Make Trade Work

Guidelines for NAEGA Approved Arbitrators, Special Grain Arbitrators and Schedule of Fees

The NAEGA Board of Directors, with the advice of the NAEGA Contracts Committee, appoints persons to a NAEGA List of Approved Arbitrators. The Contracts Committee also makes recommendations to the Board for a list of Special Grain Arbitrators that can be nominated to serve as the chairpersons of arbitration panels. The list of Approved Arbitrators and Special Grain Arbitrators is provided by NAEGA to the American Arbitration Association International Centre for Dispute Resolution (ICDR) and is subject to ongoing review.

Approved Arbitrators List

The arbitrators list continues to be developed under the following guidelines and principles as criteria for NAEGA Arbitrators:

- 1) Arbitrators shall be persons who are actively engaged in the grain-trade business, or have been retired from active engagement in the grain-trade related business for no more than three years on the date of the appointment to arbitration.
- 2) Arbitrators must be honest, fair, and able to put personal or employer related considerations or prejudices aside, and decide each case exclusively on its merits, based on the contractual agreement between the parties, the facts, and the parties' actions or omissions, and take into consideration current trade practice.
- 3) Arbitrators must have a thorough understanding of the NAEGA No.2 Contract, including Addendum No. 1 and any subsequent amendments to the contract, and of the many aspects of the grain export trade.
- 4) Arbitrators must be articulate and able to write awards for the benefit of the parties and outsiders. Arbitrators must be able to write awards so that parties and outsiders can clearly understand the dispute, the positions of the parties, the thought processes the arbitrators went through and the award. (Under our agreement with the AAA, awards are made available to NAEGA members and the interested public.)
- 5) Arbitrators must be knowledgeable in the law and practice of arbitration. They must follow all ICDR rules and procedures as laid out in the ICDR International Dispute Resolution Procedures.
- 6) Arbitrators will be required to re-affirm their qualifications, availability and willingness to serve as an arbitrator on an annual basis.

Special Grain Arbitrators List

Under an agreement between ICDR and NAEGA, Special Grain Arbitrators are allowed to serve as the chairpersons of NAEGA arbitrations panels given that they meet the following criteria:

- 1) Special Grain Arbitrators must meet all of the guidelines and principles governing the Approved List of NAEGA Arbitrators.
- 2) Special Grain Arbitrators must attend and pass a one-day ICDR training on the international rules of arbitration and the ICDR process, rules and procedures. Individuals



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may also qualify to become Special Grain Arbitrators if 1.) they are approved NAEGA arbitration panelists; 2.) have, in the past, served as chairpersons on a three-person AAA arbitration panel.

- 3) Special Grain Arbitrators must have prior experience as an arbitrator in a NAEGA arbitration under ICDR rules and procedures as laid out in the ICDR International Dispute Resolution Procedures.
- 4) Special Grain Arbitrators will be required to re-affirm their qualifications, availability and willingness to serve on an annual basis.

Fees and Reimbursement

Arbitrators' fees are currently set by the NAEGA Board:

- 1) The maximum daily fee is established at \$1250 per day for Arbitrators and \$1750 for Special Grain Arbitrators. For Arbitrators the allowed charges will be \$250 per hour for 5 hours or less and a maximum of \$1250 for the entire day. For Special Grain Arbitrators the allowed charges will \$350 per hour for 5 hours or less and a maximum of \$1750 for the entire day.
- 2) When assessing the total fee, allowed charges may include time for preparation and study. However, time for transit should not be included.
- 3) Travel, hotel and other related expenses are reimbursable.

Please also note that the ICDR reports awards under NAEGA to the NAEGA President and he is responsible for providing the explanation of awards to NAEGA membership.