

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

The NAEGA Board of Directors, acting on an annual recommendation from the NAEGA Contracts Committee, appoints persons as NAEGA Approved Arbitrators and Special Grain Arbitrators. NAEGA provides the lists of Approved Arbitrators and Special Grain Arbitrators to the American Arbitration Association International Centre for Dispute Resolution (ICDR) to use in administering arbitration under NAEGA model contract terms.

All Arbitrators and those interested in participating in arbitration expressly understand and agree to indemnify and hold harmless, NAEGA, their officers, employees and agents from any and all liability including claims, demands, losses, costs damages, and expenses of every kind and description, or damages to persons or property arising out of or in connections with or occurring during the course of interaction with NAEGA.

The selection process and *all* NAEGA Arbitrators must abide by these NAEGA guidelines and principles and act under clause 10 and 30:

1. Be persons who are actively engaged in a grain-trade related business or have been retired from active engagement in a grain-trade related business for no more than three years on the date of the appointment to arbitration.
2. Be honest, fair, and able to put personal or employer related considerations or prejudices aside to decide each case exclusively on its merits, based on the contractual agreement between the parties, the facts, the parties' actions or omissions, and current trade practice.
3. Have a thorough understanding of the applicable 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. Be articulate and able to write awards for the benefit of the parties and outsiders 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. (Redacted awards are made available to NAEGA members and the interested public.)
5. Be knowledgeable in the law, understanding the primacy of contract provisions in the practice of arbitration and follow all ICDR rules and procedures as laid out in the ICDR International Dispute Resolution Procedures.
6. Complete required training as directed by NAEGA annually.
7. Re-affirm qualifications, availability and willingness to serve as an arbitrator on an annual basis.

In addition, **NAEGA Special Grain Arbitrators** who are eligible to serve as the chairpersons of NAEGA arbitrations panels by AAA ICDR:

1. Must have attended and passed a one-day ICDR training on the international rules of arbitration and the ICDR process, rules and procedures OR when acting as approved NAEGA arbitration panelists have, in the past, served as a chairperson on a three-person AAA arbitration panel.
2. Must have prior experience as an arbitrator in a NAEGA arbitration.

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 the Special Grain Arbitrator acting as chair. 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 acting as chair the allowed charges will \$350 per hour for 5 hours or less and a maximum of \$1750 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. NAEGA and NAEGA only is responsible for providing the explanation of awards to NAEGA membership as well as making the redacted awards available to interested parties.