Paralegals, Advocacy & Arbitration

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Arbitrator

Arbitration is:

1. Effective
2. Fun
3. Growing
Types of Arbitration

1. Domestic
2. International
3. Labour
4. Family
5. FSCO

Competence

1. Arbitration Act
2. Substantive law
3. Evidence
4. Rules
Arbitration Act, 1991

1. Domestic
2. Party autonomy
3. Appeals optional
4. No $25,000 cap

Sample Arbitration Clause

Should any dispute arise out of or in relation to this contract, the parties agree to confidential, binding arbitration in accordance with Hassell Arbitration’s rules, available online at: www.hassellarbitration.ca
Arbitration Rules

1. Agreement
2. Summaries
3. Documents
4. Witness statements
5. Hearing

Custom Arbitration Rules

Party autonomy

[insert any rules you want]
Arbitration Ethics

Rule 3.02(12) of the Paralegal Rules of Conduct

Ethical issues at the arbitration

Arbitrating Legal Fee Disputes

Retainer agreements
Consumer Protection Act
Insurance implications
Confidential
Converts A/Rs to cash
Paralegal Rights of Appearance at Arbitration

By-Law 4, section 6

LSUC says not allowed

Public policy suggests should be allowed

Conclusion

It’s time for an arbitration revolution!
Thank you!

www.hassellarbitration.ca/OPA