

Billing Guidelines for ICDR Canada Arbitrators

One of the objectives of arbitration is to provide disputants with an affordable dispute resolution procedure. Parties view the cost of an arbitration to include both the administrative fees of ICDR Canada and your fees and expenses. Nobody should be precluded by cost from using the arbitration process, which we all support as a valuable resolution technique.

Arbitrators should keep in mind the need for simplicity in their fee structure, but rates are at the complete discretion of the arbitrator in most of our case types, as long as they are included in the resume.

The following guidelines have been developed, after careful consideration of post-Award feedback from parties, to assist in the presentation of the fees included in your resumes and billing statements:

Per Diem/Hourly Fees

- Your fees should be all inclusive. Per diem fees are expected to include a full day's hearing time (seven hours).
- If you intend to be compensated for non-hearing time, that expectation should be detailed on your panel biography.
- With either per diem or hourly fees, no further billing should be submitted for time spent (a) discussing the case with ICDR Canada staff; (b) writing, telephoning, faxing, or emailing case management staff. If you intend to charge for any of the fees identified in (a) or (b), you should include that information on your ICDR® panel biography.
- Unless otherwise stated on your panel biography, no billing should be made for time spent by personal administrative assistants.

Cancellation Fees

- Most ICDR Canada arbitrators do not charge a cancellation fee for postponements of hearing dates or cancellation because of settlement. Cancellation fees are not favored. However, if you require a cancellation fee, it should be listed as a separate fee on your panel biography. The fee should be for unusual circumstances, and it should require no more than 72 hours notice. Notice of postponements or cancellations may be received from a case manager by telephone or by email. A statement that you were unable to reschedule or make professional use of the billed time should accompany all cancellation fees.

Expenses

- In many cases, no additional expenses will be incurred, as hearings will be held locally. If you serve as an arbitrator on a case outside your locale, clarify before the hearing that reasonable, necessary air travel, hotel room accommodations, and meals will be reimbursed.

- Costs incurred for stamps, local telephone calls, local travel, copying of materials or other incidental expenses are not typically reimbursed. Expectations to the contrary should be detailed on your panel biography.
- Entertainment costs and personal expenses are not reimbursable.

Post-Award Activity

- If a request or remand by the court to modify an award is necessitated by an error on your part, you should dispose of the request or remand without additional compensation.
- If a request or remand for modification does not require a great deal of effort, such as the omission of a word in a company name, you should dispose of the request or remand without additional compensation.
- If the case in which a request or remand for modification is one in which you served for a flat fee, we recommend that you not charge additional sums to dispose of such requests. On flat fee cases it may be difficult to collect additional compensation. Every effort will be made, but this should not prevent you from dealing with these requests.
- If a request or remand for modification is not the result of your error or requires significant effort on your part, then it is appropriate to be compensated for such activity. ICDR Canada will attempt to collect such compensation in advance. You should dispose of the request or remand expeditiously, even if such compensation has not been deposited in advance.

Billing Language

- The language used in describing fees and expenses should be clear and detailed, not summarized, as for example, “for services rendered.” It should include the amount of time spent and a description of the work performed.
- All billing should be completed prior to the issuance of the award. Invoices may not be accepted if submitted after a matter is closed.
- Every effort will be made to collect arbitrator compensation before the hearing date. If the compensation has not been deposited, you will be given the option not to go forward with the hearing. Periodic invoices, as opposed to a single, final invoice at the conclusion of the case, are encouraged. Occasional communications with the case manager regarding compensation are also encouraged.

In keeping with our goal of providing parties with an affordable dispute resolution process, ICDR Canada routinely reviews arbitrator billings.