

PROFESSIONAL LAW FOR REAL ESTATE

ARBITRATION

1. What is alternative dispute resolution (ADR)?
2. What are the advantages and disadvantages of ADR?
3. Where does arbitration stand in ADR?
4. What are 4 necessary requirements before one accepts the position of arbitrator?
5. What is the solution if the arbitrator thinks there may be a conflict of interest?
6. Why are the instructions important in an arbitration agreement? What issues should he obtain and clarify on appointment?
7. What is the difference between an expert and an arbitrator?
8. What is the purpose of the preliminary hearing?
9. What are the necessary procedures or protocol of the formal hearing?
10. What does the phrase "without prejudice" operate in real estate? Why is it still an important procedure?
11. What is the appropriate course of action for an expert witness who cannot attend an arbitration hearing through illness?
12. Instead of an oral hearing can the arbitration proceed by way of written documents? If so, how does this method operate?
13. Can a lawyer represent a party at an arbitration hearing? What is the rationale behind the rules governing the permissible or non-permissible use of lawyers?
14. When can and should an arbitrator seek legal advice? What is the appropriate procedure for this action?
15. What are the advantages to the parties involved in having and allowing the arbitrator seek the court's opinion on a legal matter?
16. What are "special cases" in an arbitration hearing? How does the court deal with special cases?
17. When are umpires used in the arbitration system?
18. What rules apply to the handing down of the award? see s29 CAA. Why must it be a "speaking" award?