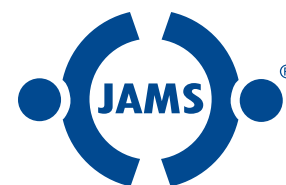


# SUMMARY OF REVISIONS TO JAMS INTERNATIONAL ARBITRATION RULES



## *JAMS International Arbitration Rules, Amended and Effective September 1, 2016*

**Model Arbitration Clause and throughout:** In compliance with standard practice, the Rules now refer to the “seat” of an arbitration, rather than the “place” of arbitration.

**Article 3. Emergency Relief Procedures.** Article 3 of the JIAR now provide for emergency procedures by an Emergency Arbitrator appointed for that purpose. The standard to be met provides that the party seeking emergency relief has to show “that immediate loss or damage will result in the absence of emergency relief and whether the requesting Party is entitled to such relief.” The Rules further provide that the Emergency Arbitrator may condition the grant of emergency relief on the provision of adequate security by the party seeking such relief.

**Article 4. Electronic Filing.** This has been streamlined to exclude the need for paper copies to follow most electronic filings and communications.

**Article 7. Consolidation of Arbitral Proceedings (Joinder); Participation of Third Parties (Intervention).** This provision has been substantially revised. JAMS may now administer a single arbitration where a Claimant commences an arbitration concerning disputes arising out of or in connection with multiple contracts subject to provisos in the Article 7.2. It is also now easier for a Tribunal already constituted to continue to hear a dispute after a third party is joined to the proceeding (See, Article 7.3).

**Article 8. Appointment of Arbitrators.** The Rules now authorize JAMS to appoint a panel of three arbitrators where more than two parties are involved in the dispute and the parties with a common interest cannot agree on the selection of an arbitrator.

**Article 9. Independence and Availability of the Arbitrators.** Parties, as well as nominated arbitrators, now also have the affirmative obligation to disclose any circumstances of which they are aware that are likely to give rise to justifiable doubt as to an arbitrator’s independence or impartiality.

**Article 10. Challenge to Arbitrators.** JAMS may, but need not, give reasons for its decision to accept or reject a challenge to an arbitrator’s continued service.

**Article 20. Representation.** This has been revised to permit a Tribunal to reject any intended change or addition to a party’s legal representation where such change or addition could compromise the composition of the Tribunal or the finality of any award on the grounds of possible conflict or other like impediment. This change was made to avoid delay and uncertainty if one party chooses to change counsel midstream and appoint another lawyer closely aligned with one of the arbitrators.

**Article 22. Expedited Procedures.** The Rules now include procedures to assure that an award is issued within six months from the date when the Tribunal is constituted. The procedures apply to cases where the amount in dispute does not exceed US \$5,000,000, where the parties agree to the procedures or whether certain other conditions apply and when certain other conditions are met.

**Article 26. Dispositive Motions.** Consistent with modern practice, this rule now makes it explicit that a Tribunal has the power to entertain and grant a dispositive motion in appropriate circumstances.

**Article 33. Sanctions.** Article 33 authorizes a Tribunal to order appropriate sanctions for the failure of a party to comply with its obligations under the Rules or with an order of the Tribunal. Such sanctions may include the imposition of costs and reasonable counsel fees, the exclusion of certain evidence, the drawing of adverse inferences or, in extreme cases, determining an issue or issues adversely to the party that has failed to comply.

**Article 35** (as regards the granting of interest on a claim). The Rules now explicitly give a Tribunal the discretion to set a rate of interest on an award and the date(s) on which such interest is to accrue.

There are other language changes throughout, but the above sets forth the most substantive changes.