

# American arbitration association

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The American Arbitration Association (AAA) focuses on providing organizations or individuals with alternative dispute resolution services. In the United States, American Arbitration Association provides people with administrative services. Arbitration is usually used to resolve commercial disputes and it can either be mandatory or voluntary. The association offers its services to people abroad through the International Centre for Dispute Resolution.

The administrative services that are offered by ICDR and AAA include, setting of hearings, providing settlement through mediation, providing the users with crucial information on dispute resolution options, and appointment of arbitrators and mediators. The American Arbitration Association in its work faces several challenges which need to be addressed in order to perform well. Introduction The American Arbitration Association (AAA) is an enterprise whose role is to arbitrate and to resolve disputes between parties.

It was founded in 1926 after the Arbitration Society of America was consolidated with the Arbitration Foundation and the Arbitration Conference. It has the duty to administer arbitration proceedings and to provide alternative dispute resolution services to the people. Alternative dispute resolution (ADR) embraces the dispute resolution processes and techniques that are applied outside the government judicial process (American Arbitration Association, Accessed on April 13, 2009).

Through the AAA rules, the International Centre for Dispute Resolution (ICDR) is able to administer arbitration at an international level. The ICDR was established in 1996. In America, the AAA acts as the country's primary provider of arbitration and mediation services. The mediators who are <https://assignbuster.com/american-arbitration-association/>

employed in the institution are highly respected professionals who have great experience in industry and business law. The mediators are also highly trained in efforts to ensure that they provide high quality mediation services to address disputes.

The term arbitration is one form of alternative dispute resolution which occurs outside the court. This requires the parties involved in a dispute to be bound by the decision of the arbitrators. In addition, the American Arbitration Association provides its services abroad through the International centre for Dispute Resolution (ICDR). The AAA is engaged in efforts that aim at moving cases through mediation and arbitration in an impartial and fair manner. In this paper, the important role of the American Arbitration Association and the challenges it faces in its work will be discussed.

Discussion Role of the American Arbitration Association The American Arbitration Association offers arbitration services to parties that may be in a dispute or experiencing a conflict. In the United States, the American Arbitration Association assists citizens to resolve disputes by administering arbitration proceedings. Through the proceedings, the association assists individuals or organizations who are involved in a dispute to solve it outside the courts.

The case is usually reviewed and a decision that is legally binding to both sides imposed. An impartial adjudicator who is in charge during arbitration proceedings is expected to give his/her final decision which is final and binding. The American Arbitration Association benefits people or organizations greatly because it is often much faster in solving disputes as

compared to litigation in court. This therefore becomes very crucial is saving a lot of time and resources that could be used in resolving a dispute in court.

Because arbitration proceedings and award are usually non-public, the parties involved in a dispute can be able to resolve a dispute through confidential proceedings. Furthermore, business enterprises or organizations find arbitration more flexible and cheaper than court cases. In any arbitration proceedings, a contract need to be signed which includes an arbitration clause that names or acknowledges the American Arbitration Association as the organization that will be responsible for administering arbitration between the involved parties.

The association has a primary duty to provide administrative support to the arbitrations when they are presented to a panel of arbitrators or a single arbitrator. Arbitrators who are chosen are selected in accordance with the agreement of the parties or in accordance with the association's rules if the parties fail to agree (American Arbitration Association, 2006). The American Arbitration Association has a long history and great experience in providing people with alternative dispute resolution services.

Another major role the AAA plays in resolving disputes is by administering cases starting from filing to closing. Administrative services are offered to both the American citizens, as well as those who are abroad through the International centre for Dispute Resolution (ICDR). Some of the administrative services that the American Arbitration Association and ICDR provide to the people include settling disputes through mediation, setting hearings, and the appointing the arbitrators and mediators who are in charge of cases that are presented.

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The association ensures that both mediation and arbitration cases are handled in an impartial and fair manner. To ensure that people are provided with effective alternative dispute resolution services, the American Arbitration Association is involved in the designing and the development of alternative resolution (ADR) systems for courts, unions, law firms, corporations, and government agencies. In addition, people who desire to learn more about alternative dispute resolution are able to receive training, education and publications from the association.

Election services are also provided by the American Arbitration Association. The American Arbitration Association has shown its commitment to provide customer focused alignment of its resources by creating five divisions. These divisions include the International, the commercial, state insurance, and construction and labor/employment/elections disciplines. These alternative dispute resolution disciplines encompass expertise in various and specific case loads (Lynch, 2001). This has made it easy for people to access necessary information about dispute resolution.

The creation of the divisions provides customers with more customized services which can effectively address the specific disputes are presented in the association. The dispute resolution services that American Arbitration Association offers to the Americans involve construction, consumer, technology, employment, intellectual property, financial services, and healthcare and international trade conflicts. However, the association is not limited to addressing conflicts in these areas only.

The alternative dispute resolution resources at the American Arbitration Association offer education and training services, the association's rules, a <https://assignbuster.com/american-arbitration-association/>

panel of neutral mediators and arbitrators, as well as case administration services. These resources are utilized to ensure that real world and cost effective solutions are provided to the consumers, counsel, business, government agencies, and industry professionals (Brunet, 2006). Case administrations are offered by the American Arbitration Association in conjunction with its Dispute Avoidance and Early Resolution procedures and rules.

The Arbitration and mediation procedures and rules are also offered. In case administration, a dispute resolution process begins with the filing of a case which is then followed by the selection of an appropriate mediator and arbitrator . The hearing of the cases then follow. A final decision is then made after the case hearings and then the case is closed. To assist with the case procedural elements, the association appoints skilled case managers. In addition, by providing clients with an AAA Arbitration map, the association ensures that the clients are guided through the case processes, and advice given to them on the available options.

The clients are able to benefit from the advice offered by the association on how to best manage the process by saving on time and cost. To choose a neutral for a case, a more customized approach by the American Arbitration Association provides customers with the association's enhanced neutral selection process for large complex cases (LCC). The parties to the LCC are able to get access to five tools that based on the client-selected criteria enhance screening options. To win customer service, the association has put into place a case management team.

In this approach, a case manager act as the primary point person who has the ultimateresponsibilityfor a particular case that is given to the entire case management team. This has enabled the association to assure and give confidence to clients that cases are always addressed appropriately. In order to avoid and resolve disputes early before issues arise, the association provides customers with early dispute resolution services. The American Arbitration Association acknowledges that dispute is inevitable hence having proper mechanisms to avoid and quickly resolve disputes is crucial (Ury, 2000).

The need to act proactively in providing formal dispute resolution treatments and avoiding disputes has made it necessary for AAA to develop early dispute resolution services. To assist the clients to be well prepared, to avoid, and to minimize challenges that result from disputes, the association offers various dispute avoidance and easily resolution services. Arbitration requires the involved parties to submit a dispute to impartial persons who offer an " award" which is the final and binding decision when an arbitration case is over. Awards are made in writing and are always binding to the parties.

This varies with mediation in that, mediation facilitates negotiation andcommunicationbetween the parties in dispute. A mediation process encourages the parties in dispute to voluntarily make decisions that will end the dispute. Mediation process is considered to be an effective way of resolving disputes prior to litigation or arbitration. The association provides its arbitration and mediation services by providing the AAA rules and

procedures to govern ADR processes and to increase customer's access to the associations' well trained and screened neutrals.

The association's neutrals have great knowledge, skills, and experience in resolving disputes. The association has over 7, 000 neutrals located in various parts of the world, and their conduct is guided by the AAA code of Ethics. When parties file a case, then the association provides the parties with information about the neutrals. To ensure that all arbitration and mediation cases are fair, the association has developed rules that need to be followed to solve disputes in state programs, consumer, labor, employment and commercial disputes.

The international division of the American Arbitration Association is referred to as the International Centre for Dispute Resolution (ICDR). The establishment of the ICDR aimed at providing other individuals and organizations around the globe with services that the AAA was providing to the American people. Just like the American Arbitration Association, the ICDR has a primary responsibility to resolve disputes and to administer cases impartially. The ICDR has shown good organization and expertise in the administration of the international arbitration cases.

The International Centre for Dispute Resolution has established cooperative agreements with various nations and institutions in order to facilitate the filing and hearing of arbitration cases (Christian and Gabriele, 2006). The ICDR has managed to do this by establishing agreements with 43 countries and 62 arbitral institutions world wide. The agreements allow the filing and hearing of cases to be done anywhere in the world. A case that is filed based on ICDR international rules require case managers to start working on ways

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through which the client can be provided with up to date progress of the case.

The case managers have great experience in dealing with overseas arbitration and mediation issues and are fluent in at least 13 languages. The centre has a world wide panel of over 400 independent mediators and arbitrators who have the primary responsibility of hearing and resolving cases. Each year, the ICDR handles several hundred multinational cases. The association has its offices in Mexico, Ireland, Mexico City, Dubai and New York. Through the American Arbitration Association national roster of Arbitrators and mediators, experienced and respected experts from the business and legal communities can serve the people.

The association provides clients with information on alternative dispute resolution information through published books, periodicals, and on line courses. The American Arbitration Association book store offer videos of various issues about ADR and enhances all individuals' conflict management skills. Challenges facing the American Arbitration Association One major challenge that the American Arbitration Association faces concerns the International Centre for Dispute Resolution. The ICDR offers its service to many individuals and organizations all over the globe.

In its work, the centre receives cases that aim at resolving international conflicts. In the contemporary society, international disputes keep on increasing as nations seek to achieve economic prosperity and political interests (Lynch, 2001). The ICDR has the mandate to administer the cases presented to it impartially and with fairness. Due to the sensitivity of international conflicts, the ICDR faces the challenge of how to resolve

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international conflicts or disputes in an impartial manner due to the factors that may a case complicated.

The association has always asserted its commitment to fair and equal treatment of individuals or organizations. In addition, the association is committed to ensuring that it continues to be diverse in opinion, its services, and its staff. The challenge is how to ensure that the association continues with its commitment to diversification. Furthermore, the association faces the challenge of how to effectively recruit professionals who will act as representatives at a global level, hire diverse staff, and nominate individuals from minority groups to leadership roles.

In solving international conflicts, the International Centre for Dispute Resolution faces the challenge of giving a fair judgment in disputes that are politically motivated. Although the ICDR may resolve a dispute, lack of cooperation from one of the parties involved in the dispute is a great challenge when conducting case proceedings. When it comes to international disputes in the environment field, the ICDR faces the challenge of resolving disputes while at the same time respecting the involved nations, international and bilateral agreements that provide for the settlement of such disputes.

Having states comply with the international obligations has become an important issue in international obligations. Conclusion The American Arbitration Association since its establishment has served people with dispute resolution services. The association has gained a lot of experience in providing alternative dispute resolution services to people world wide. Examples of these services include arbitration and mediation. Apart from <https://assignbuster.com/american-arbitration-association/>

providing its services in the United States, the association provides alternative dispute resolution services to people at an international level through the International Centre for Dispute Resolution (ICDR).

In addition, the association in efforts to provide high quality services to the customers has developed effective strategies through disputes between parties can be solved in a fair manner. Many people and organizations are now filing cases with the American Arbitration Association due to the benefits it has proved to offer to the customer. However, the association faces several challenges which it needs to address in order to serve the customers appropriately. References American Arbitration Association. 2006. ADR and Law.

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