

The Chartered Institute of Arbitrators Code of Professional and Ethical Conduct for Members (January 2007)

1. INTRODUCTION

A. This Code of Conduct is published pursuant to the bye-laws of the Institute. It sets out the minimum standards of conduct to be observed by members when acting as neutrals in any dispute resolution process. A breach of the Code amounts to professional misconduct by virtue of bye-law 15.2(2).

B. This Code of Conduct provides ethical guidelines and does not form part of the rules of any dispute resolution process.

C. This Code of Conduct is not intended to override or replace any applicable law or the applicable rules of any dispute resolution process or to create new or additional grounds for judicial review of any dispute resolution process. In the event that this Code of Conduct or any part of it is inconsistent with any applicable law or the applicable rules of any dispute resolution process the member shall comply with the applicable law and/or the applicable rules.

D. This Code of Conduct shall be observed regardless of where the dispute resolution process is being conducted. Any additional ethical standards or legal requirements to which the member is personally subject and/or of the place where the dispute resolution process is being conducted shall also be observed.

2. THE CODE

1. Behaviour

1.1 A member shall adhere to all Rules, Codes, Guidelines, Regulations and other professional requirements adopted by the Institute from time to time.

1.2 A member shall not act in a manner which might reasonably be perceived as conduct unbecoming a member of the Institute.

2. Integrity and Fairness

2.1 A member shall maintain the integrity and fairness of the dispute resolution process and shall withdraw if illegal conduct or substantive unfairness is apparent.

3. Conflicts of Interest

3.1 A member shall disclose both before, and shall have a continuing obligation to disclose during, the dispute resolution process all interests, relationships and matters likely to affect independence or impartiality, or which might reasonably be perceived to affect independence or impartiality.

3.2 After disclosure a member shall only continue to be involved in the dispute resolution process with the express consent of all of the parties to the dispute resolution process.

3.3 If, at any stage, a member becomes incapable of maintaining independence or impartiality, the member shall withdraw immediately.

4. Competence

4.1 A member shall only accept an appointment or undertake an activity if appropriately qualified or experienced to complete it promptly, in a professional manner and without undue influence by pressure of other work.

4.2 A member shall not make any representations or allow any representations to be made about the member's experience or expertise which are not truthful.

5. *Information*

5.1 A member shall ensure that all involved in the dispute resolution process are fully and fairly informed as to the procedural aspects of the process and what is expected of them.

5.2 A member shall not provide legal or technical advice to those involved in the dispute resolution process.

6. *Communication*

6.1 A member shall only communicate with those involved in the dispute resolution process in the manner appropriate to the process and not in a manner which might reasonably be perceived to be improper, partial or biased.

7. *Conduct of Process*

7.1 A member shall prepare fully for, and conduct all stages of, the dispute resolution process diligently, fairly and in an entirely impartial and independent manner, and shall not be influenced by outside pressure, public opinion, fear of criticism or self-interest.

7.2 A member shall not conduct the dispute resolution process in a manner which may harm the parties or worsen the dispute.

7.3 A member shall not delegate the duty to decide to any other person where the dispute resolution process calls for a decision to be made.

8. *Trust and Confidence*

8.1 A member shall be faithful to and adhere to the relationship of trust which exists with those involved in the dispute resolution process and, at all times, both during and after completion of the dispute resolution process, shall (unless otherwise agreed by all the parties) keep confidential all information acquired during the process.

8.2 A member shall not use any information acquired during the dispute resolution process for personal advantage or adversely to affect the interests of others.

9. *Fees*

9.1 A member shall only charge fees and expenses which are reasonable taking into account all the circumstances and shall disclose and explain to the parties to the dispute resolution process the basis upon which the fees and expenses shall be calculated and charged.

10. *Applicable Law*

10.1 A member shall conduct the dispute resolution process in accordance with applicable law.