

Maritime Arbitration under SMA Rules



Houston SMA Seminar

April 11, 2019

Shortened Arbitration Procedure

- Agreed amount for claims/counter claims
-
- Claimant's nomination of arbitrator – 10 days for respondent
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- Failing agreement, three alternatives, SMA President's nomination
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- 15 days for submission schedule
-
- 20 days for respondent's reply
-
- Reply briefs
-
- Documentation only - Limited discovery
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- Award issued within 30 days
-
- Legal fees and arbitrator fees

Timeliness of Award

- Section 28 of the SMA Arbitration Rules provides in part:
 - The Panel has the Collective duty to issue awards not later than 120 days after the final evidence or brief has been received and the parties have been notified that the proceedings have been closed.
 - Timely rendering of awards allows for
 1. Lower cost and time
 2. A swift decision allows the parties to move on with business, lessening the opportunity for acrimony.

Publication of Award

- Section 1 of the SMA Arbitration Rules provides:
 - Unless stipulated in advance to the contrary, the parties, by consenting to these Rules, agree that the Award issued may be published by the Society of Maritime Arbitrators, Inc. and/or its correspondents.
 1. Access to past decision's lends insight into possible [likely] outcome
 2. Offers the user a differing perspective on pursuing a dispute
 3. Acts as a educator toward possibly avoiding dispute in the first place

Thank You!



Questions?