

Preliminary Conference Checklist

Parties (1) (*Claimant*)
 (2) (*Respondent*)

Attendees

Date

1. Party representation

- (a) clarify identity of the parties and representation
- (b) preferred means of communication – email & courier for submission of documents (no post or fax)

2. Agreement to arbitrate/appointment

- (a) sight agreement to arbitrate
 - valid agreement?
 - international arbitration?
 - preconditions to arbitration?
 - choice of law/seat/location/other Schedule 2 options and other agreements?
- (b) jurisdictional issues?
- (c) signed appointment agreement?
- (d) security for arbitrator's fees
- (e) institutional/administered arbitration/tribunal secretary appropriate?
- (f) arbitration on the papers?
- (g) Appeals? None? High Court with leave or by agreement? AAAT?

3. Notice to arbitrate

- (a) validly served (agreement to arbitrate), and timing
- (b) dispute properly defined (prior references?)
- (c) expedited arbitration?

4. Answer

- (a) nature of the defence
 - (b) summary dismissal sought?
 - (c) counterclaim?
5. Reply
- (a) timing for reply and defence to counterclaim
6. Submissions
- (a) timings for points of claim, points of defence, defence to any counterclaim
 - (b) pleadings to be memorial style
 - (c) issues to be narrowed
 - (d) interim awards – jurisdictional matters, preliminary issues? liability? quantum? costs?
7. Disclosure
- (a) parties to disclose documents relied on
 - (b) discovery required?
 - (c) single agreed bundle of documents / electronic submissions
 - (d) DropBox availability
8. Pre-hearing
- (a) agreed statement of facts and chronology
 - (b) issues list
 - (c) preliminary issues hearing (Kaplan opening?)
 - (d) witness statements
 - (e) expert witnesses – tribunal appointed?
 - (f) opening statements/submissions no later than 2 days before the hearing
9. Hearing
- (a) hearing days required?
 - (b) availability – dates

- (c) venue
- (d) numbers of witnesses – evidence in chief & cross-examination, evidence taken as read
- (e) recording / transcripts
- (f) closing statements
- (g) timing of award
- (h) reasons required (baseball arbitration)?

10. Costs

- (a) AMINZ Rules for Awarding Costs in Arbitration to apply?