

# **ARBITRATION ADVISORY**

00-03

## **Abandonment of the Hearing Process**

**January 25, 2000**

Some clients have abandoned the fee arbitration process either by walking out during the Hearing, or by asking that the Hearing stop before the arbitrator(s) complete the Hearing. Some clients have claimed that the arbitrators are biased in their conduct of the Hearing.

First, the arbitrator(s) have the authority to adjourn the Hearing at any time as is necessary and for good cause shown. Rules V. 9. No Hearing may exceed four (4) hours unless the parties agree in writing, and the parties agree to pay for the extended Hearing. Rules V. 10. The Hearing Panel is empowered to rule on all issues of procedure under their control that arise during the Hearing. Rules V. Intro. Any party to a Hearing may challenge or disqualify any number of arbitrators for good cause shown, but all such challenges must occur within fifteen days after mailing of the Notice of Appointment of Panel. Rules IV. 4(b).

Under these Rules, neither party may disqualify the Panel members at the Hearing, since more than fifteen days has elapsed since the Association mailed the Notice of Panel Appointment. However, the Panel is empowered to issue a decision on the evidence set forth by the parties prior to the party's abandonment. If the Panel finds good cause to exist, and issues arose after the party abandoned the Hearing, the Panel may even submit further questions to the abandoning party, and extend the Hearing for a defined period (e.g., one calendar week) to allow the abandoning party to respond to those issues. Otherwise, the Panel is fully empowered to control the conduct of the Hearing and to issue its decision in accordance with the evidence .