



## **ARIAS•U.S. SAMPLE FORM 3.1: AGENDA FOR THE ORGANIZATIONAL MEETING**

### **AGENDA FOR THE ORGANIZATIONAL MEETING**

1. Disclosures: Panel members should disclose contacts/connections with--
  - a. each other;
  - b. parties;
  - c. counsel; and
  - d. potential witnesses, if known.

Disclosures, which should be made by panel members, counsel, and parties, should include contacts of a business, professional, and personal nature. Business and professional contacts should include, when applicable, both individuals and their organizations. Discussion of continuing disclosure requirement.

2. Formal acceptance of panel or challenges.
3. Hold Harmless Agreement (See ARIAS•U.S. Sample Form 3.2 and any appropriate modifications).
4. Special arrangements, if necessary or appropriate, for payment of the umpire's fees, e.g., escrow account.
5. Confidentiality (See ARIAS•U.S. Sample Form 3.3 and any appropriate modifications).
6. Ex parte communications with panel members. Possible cutoffs: (1) immediately, (2) at the end of discovery, (3) upon the filing of pre-hearing briefs, and (4) at commencement of hearing.
7. Brief position statements by counsel, if necessary. Generally, they will not be necessary if the usual pre-meeting position papers have already been filed. Their purpose is to give the panel a general understanding of substantive issues in the case to enable the panel to rule on procedural items.
8. Witnesses: anticipated number of both deposition and hearing witnesses. Need for/anticipated use of expert witnesses (if appropriate). Date for exchange of witness lists.
9. Discovery
  - A. Types
    1. Document production
    2. Interrogatories, bills of particulars, or the like
    3. Audit
    4. Depositions
      - a. fact witnesses
      - b. experts
  - B. Privilege issues
    1. Privilege logs
    2. In-camera review
  - C. Schedule: See ARIAS•U.S. Sample Form 4.1

10. Procedures for dealing with discovery disputes
  - A. Correspondence
    1. between counsel
    2. to panel
  - B. Conference calls/meetings
  - C. Requirements for decision
    1. entire panel
    2. umpire alone
    3. umpire (after consultation with arbitrators)
11. Collateral estoppel/res judicata issues (if appropriate)
12. Other preliminary issues (if appropriate)
13. Pre-hearing security (if appropriate): See ARIAS•U.S. Sample Form 4.2
14. Pre-hearing briefs: (1) sequential or simultaneous; (2) page limit, if any; and (3) schedule
15. Hearing dates, location, and length
16. The form of the final award: written, reasoned (?)