NORTON ROSE FULBRIGHT

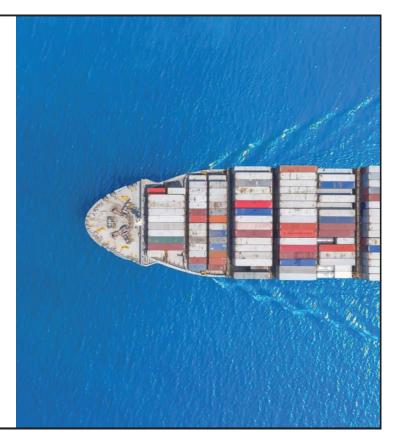
Revised Arbitration Rules of the Houston Maritime Arbitrators Association (HMAA)

32nd Annual David W. Robertson Admiralty and Maritime Law Conference

February 2, 2024

1

Denton Nichols Norton Rose Fulbright US LLP Partner, Houston denton.nichols@nortonrosefulbright.com



NRF

Houston Maritime Arbitrators Association



Houston Maritime Arbitrators Association

Serving the Maritime, Oil & Gas, Energy and Transportation Industry

- Non-Profit Corporation Established in the 1990s "to promote the conduct of arbitration of maritime and commercial disputes in Houston, Texas and elsewhere..." (HMAA Articles of Incorporation)
- Promulgates Arbitration Rules and Mediation Rules
 - Original Arbitration Rules Promulgated in 1997
- Provides training on arbitration under HMAA Rules
- Maintains a Register of Arbitrators, Mediators & Experts
- · Acts as Appointing Authority for Arbitrators



Original HMAA Arbitration Rules – Notable Features

NRF

- Arbitration Rules are "Non-Administered" Rules
 - I.e., HMAA does not act as administrator in arbitrations
- HMAA Register of Arbitrators for Non-Agreed Appointments
- · Default Choice of Houston as Seat of Arbitration
- Default Choice of Single Arbitrator (Rather than Three Arbitrators)
- Automatic Use of Detailed Statements of Claim and Defense
- Fast-Track Arbitration Rules for Lower-Value Cases
- Built-in Procedures for Early Disposition of Claims
- Possibility of "Award Upon Settlement"
- Automatic enforceability under Federal Arbitration Act

Original HMAA Arbitration Rules – Some Gaps and Opportunities for Improvement

NRF

- No express provisions for submitting counterclaims
- · Nearly unlimited time allowed for amendments to claims
- No procedure for resolving challenges to arbitrators
- · No procedures for emergency or interim relief
- Various non-standard and unusual rules (e.g., claimant right to appoint arbitrator for defaulting respondent; party indemnification of arbitrators; arbitrator's lien on award)
- Vague or unclear provisions (e.g., claimant's rights to ruling on "specific issues" after "sufficiently documented claim," party consent to HMAA's "publication" of award)
- Clarification needed for HMAA's powers and role

Rules Revision Committee Members – Est. Oct. 2020 Additional Committee Members Committee Co-Chairs John F. Hark **Kevin O'Gorman Bertling Logistics** Norton Rose Fulbright W. Robins Brice **Douglas J. Shoemaker Brice Mediation Blank Rome Denton Nichols Utsav Mathur** Norton Rose Fulbright Norton Rose Fulbright NRF

5

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Revised Arbitration Rules of Houston Maritime Arbitrators Association

First appeared as part of the conference materials for the

32nd Annual David W. Robertson Admiralty and Maritime Law Conference session "Revised Arbitration Rules of Houston Maritime Arbitrators Association"