

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

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

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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

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Original HMAA Arbitration Rules – Notable Features

- 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

- 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



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Rules Revision Committee Members – Est. Oct. 2020

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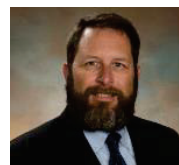


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