

ARRL INAUGURATES ARBITRATION SERVICE

The League has inaugurated an arbitration service for hams, ham organizations, citizens and other groups having disputes relating to Amateur Radio. The ARRL Arbitration Service offers a substitute for litigation by providing binding arbitration to settle disputes. Arbitration will be arranged through the office of Chris Imlay, W3KD, the League's General Counsel. Arbitrators will include ARRL volunteer counsel. Potential cases could involve neighborhood interference situations, disputes within local radio clubs, disagreements between a hamfest committee and an attendee or exhibitor, or even the use of a frequency (typically, but not necessarily, involving one or more repeaters).

Creation of the Arbitration Service is the first step toward a complete Alternative Dispute resolution (ADR) system, as envisioned by the ARRL Board at its January 1997 meeting. The ADR system ultimately could include mediation and non-binding arbitration.

In arbitration, the evidence and arguments are received and adjudicated by a neutral arbitrator--either an attorney registered with the ARRL Arbitration Service or a Volunteer Counsel. (Panels of three arbitrators will be appointed in cases involving more than \$10,000.) Arbitrators are sworn to remain impartial toward the parties--whether they are amateurs, amateur clubs, non-amateur neighbours, or neighborhood or municipal organizations. In disputes involving frequency coordination, the ARRL has reserved sole authority to designate the appropriate responsible coordinating organization.

During the informal process, the parties represent themselves (although parties also may hire attorneys if they wish). Unlike litigation, however, the arbitrator's judgment is final and not subject to appeal. Each party will get a chance to present material and relevant evidence, and exhibits may be received in evidence, similar to a court trial. Witnesses shall be sworn and subject to questions and cross examination. The arbitrator will issue a written award within 20 days from the close of the hearing or final submission of documents. The parties may determine as part of their arbitration agreement how the costs of arbitration will be allocated, but all costs will be paid by the parties involved.

Cases may be instituted under the ARRL Arbitration Service by filing a signed Arbitration Agreement--together with the \$50-per-party filing fee--with the ARRL General Counsel. For complete details on this service, contact ARRL General Counsel Christopher D. Imlay, Booth Freret, Imlay & Tepper, PC, 5101 Wisconsin Ave NW, Suite 307, Washington, DC 20016-4120; tel 202-686-9600; fax 202-686-7797. Source: April 10, 1998 ARRL Letter / WEB