

**Rule 21. Order of Proceedings and Communication with Arbitrator**

The hearing shall be opened by the recording of the date, time and place of the hearing, and presence of the arbitrator, the parties and their representatives, if any. Either party may make an opening statement regarding the claim. The claimant shall then present evidence to support the claim. The respondent shall then present evidence supporting the defense. Witnesses for each party shall submit to questions or other examination. The arbitrator has the discretion to vary this procedure, but shall afford a full and equal opportunity to all parties for the presentation of any material and relevant evidence. Exhibits, when offered by either party, may be received in evidence by the arbitrator.

The names and addresses of all witnesses and description of the exhibits in the order received shall be made part of the record. There shall be no direct communication between the arbitrator and the parties other than at the hearing, unless otherwise advised by the arbitration organization or by agreement of the parties and arbitrator. However, an arbitrator may directly contact the parties, but such communication is limited to administrative matters. Any direct communication between the arbitrator and parties must be conveyed to the arbitration organization, except communications at the hearing. Pre-hearing exhibits can be sent directly to the arbitrator, delivered in the same manner and at the same time to the opposing party. Parties are encouraged to submit any pre-hearing exhibits at least 24 hours in advance of the scheduled hearing. If the exhibits are not provided to opposing counsel and the arbitrator at least 24 hours before the hearing or if the exhibits contain new information and opposing counsel has not had a reasonable amount of time to review and respond to the information, the arbitrator may hold the record open until the parties have had time to review and respond to the material or reconvene the arbitration at a later date. Any other oral or written communication from the parties to the arbitrator shall be directed to the arbitration organization for transmittal to the arbitrator.

(Amended effective August 5, 2003; amended effective January 1, 2008; amended effective March 1, 2016.)

***Comment - 2008***

*The change in Rule 21 merely formalizes a practice common to the No-Fault arena. More often parties are delaying the submission of their pre-hearing exhibits until the day of the hearing, which does not allow the arbitrator ample time to prepare before the hearing. This rule not only discourages that practice, it allows time for the other party to refute new claims presented by opposing counsel.*

***Standing Committee Comments (2015)***

*The inclusion of the additional language will expedite administration.*