

## **GUIDE TO JUDICATE WEST'S STRIKE AND RANK PROCESS**

*(For more information regarding initiating an arbitration at Judicate West, including through service and submission of a [Notice of Intent to Arbitrate \("NIA"\) form](#) and applicable fees, please visit our [website](#).)*

After an arbitration has been initiated, if the parties are unable to informally agree to the selection of an arbitrator, Judicate West ("JW") can assist in arbitrator selection through a process involving striking and ranking neutrals from a provided list. (See also [JW's Commercial Arbitration Rules](#), Rule 5.) This step-by-step guide provides information on what parties should expect through JW's standard "strike and rank" process.

- **Party Participation.** JW generally will not proceed with administering a strike and rank process unless all named Respondent(s) participate, including by responding to correspondence from JW regarding the matter.
- **Prompt Administration.** Once an arbitration has been initiated (for example, through the filing of an NIA) and the parties have indicated that they cannot informally agree to select a particular arbitrator, a JW Strike and Rank Specialist will begin administration of the strike and rank process. To efficiently assist with arbitrator selection, JW generally aims to begin the strike and rank process promptly, including before the applicable deadline for Respondent(s) to optionally submit and serve a response to the NIA; choosing not to submit a response is considered a general denial of the claims made in the NIA.
- **Criteria Questionnaire.** A short questionnaire will be emailed to the parties that allows the Strike and Rank Specialist to gather information permitting an appropriate list of potential arbitrators to be generated for your matter. Please respond with best estimates and preferences for the party(ies) you represent. Disputes over answers can be addressed at a later date.
- **List of Potential Arbitrators.** JW will generate a list of potential arbitrators after receiving responses from all sides. JW always aims to identify a diverse list of potential arbitrators whose unique experiences are also well-tailored to the needs of your case. JW also reviews case histories to identify and rule out potential arbitrators who have worked extensively with any party or counsel. JW may be able to update a list to swap out potential arbitrators if all parties agree that a potential arbitrator does not meet your case needs. (Otherwise, JW suggests making use of a strike for the less-desired potential arbitrator.)
- **Confidential Strike and Rank.** After receiving the lists, and unless the parties mutually agree otherwise, each side will be given fourteen days to confidentially strike and rank the potential arbitrators according to the instructions provided. If a party chooses not to respond, JW may choose to proceed to arbitrator selection after a reasonable amount of time based on any other responses submitted.
- **Arbitrator Selection.** JW will identify an arbitrator for appointment based on an evaluation of the comparative rankings of the parties. In the event of a tie, JW will identify the potential arbitrator with the lower hourly rate or history of better keeping costs down for the parties. If for any reason the "first-choice" arbitrator identified becomes unable to serve, JW will determine if a "second-choice" arbitrator is available from the parties' rankings for potential appointment.