**STUDY AIDS ON HEARINGS**

**NY CIVIL PRACTICE LAW AND RULES, ARTICLE 75**

**Section 7506: Hearing**

**(a) Oath of arbitrator**. Before hearing any testimony, an arbitrator shall be sworn to hear and decide the controversy faithfully and fairly by an officer authorized to administrator an oath.

**(b) Time and place.** The arbitrator shall appoint a time and place for the hearing and notify the parties in writing personally or by registered or certified mail not less than eight days before the hearing. The arbitrator may adjourn or postpone the hearing. The court, upon application of any party, may direct the arbitrator to proceed promptly with the hearing and determination of the controversy.

**(c) Evidence.**  The parties are entitled to be heard, to present evidence and to cross-examine witnesses. Notwithstanding the failure of a party duly notified to appear, the arbitrator may hear and determine the controversy upon the evidence produced

**(d) Representation by attorney.** A party has the right to be represented by an attorney and may claim such right at any time as to any part of the arbitration or hearings which have not taken place. This right may not be waived. If a party is represented by an attorney, papers to be served on the party shall be served upon his attorney.

**(e) Determination by majority.** The hearing shall be conducted by all the arbitrators, but a majority may determine any question and render an award.

**(f) Waiver**. Except as provided in subdivision (d), a requirement of this section may be waived by written consent of the parties and it is waived if the parties continue with the arbitration without objection.

## Section 7505: Powers of Arbitrator

An arbitrator and any attorney of record in the arbitration proceeding has the power to issue subpoenas. An arbitrator has the power to administer oaths.

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[**COMMERCIAL ARBITRATION RULES OF THE AAA**](https://adr.org/sites/default/files/Commercial_Rules_Web.pdf)

*Effective September 1, 2022 (changes summary* [*here*](https://www.adr.org/sites/default/files/document_repository/AAA409_CommRules_Significant_Amendments_Sept2022.pdf)*)*

*(sections have been reordered to better follow the flow of a case)*

**Sections on Prehearing Exchanges**

**R-8: Consolidation and Joinder (new)**

**R-22: Preliminary Hearing (can be video)**

**R-23: Pre-Hearing Exchange and Production of Information**

**R-24: Enforcement Powers of the Arbitrator**

**R-39: Emergency Measures of Protection**

**R-60: Sanctions**

**Sections on Hearings**

# R-25: Date, Time, and Place of Hearing (can be electronic)

# R-26: Representation

# R-29: Stenographic Record

**R-26: Attendance at Hearings**

# R-31: Postponements

# R-32: Arbitration in the Absence of a Party or Representative

# R-28: Oaths

**R-45. Confidentiality (new)**

* Codifies AAA and arbitrators’ obligation to maintain confidentiality

**R-33: Conduct of Proceedings**

See also new Rule R-2(c): The AAA requires that parties and their representatives conduct themselves in accordance with the AAA’s *Standards of Conduct for Parties and Representatives* when utilizing the AAA’s services. Failure to do so may result in the AAA’s declining to further administer a particular case or caseload.

**R-36: Evidence by Written Statements and Post-Hearing Filing of Documents or Other Evidence**

# R-40: Closing of Hearing

# R-42: Waiver of Rules

[Hearings Study Aids (2023)