

Financial Dispute Resolution Centre Financial Dispute Resolution Scheme

Ethics Code for FDRC Arbitrators

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The Oxford English Dictionary defines 'ethics' as "moral principles or rules of conduct". A Code of Ethics provides a set of moral principles according to which one can conduct one's affairs.

The purpose of adopting a code of ethics for Arbitrators is not only to serve as a guide to the conduct of Arbitrators, but also to serve as a point of reference for users of the Arbitration and to promote public confidence in Arbitration as a suitable forum for resolving disputes. The Code itself is not a rigid set of rules but is a reflection of internationally acceptable norms.

In some instances the ethics set down herein may be repeated in legislation governing the arbitration, case law or rules which Parties adopt. In many instances, Arbitrators will also be bound by other codes of practice or conduct imposed upon them by virtue of membership of primary professional organisations.

Rule One

An Arbitrator has an overriding obligation to act fairly and impartially as between the Parties, at all stages of the proceedings.

Rule Two

An Arbitrator shall be free from bias and shall disclose any interest in the Arbitration or relationship with any party likely to affect his impartiality or which might reasonably create an appearance of partiality or bias. An Arbitrator in such situation shall obtain the prior written consent of all Parties before proceeding with the Arbitration. This is an ongoing duty and does not cease until the Arbitration has concluded. Failure to make such disclosure itself may create an appearance of bias, and may be a ground for disqualification.

An Arbitrator shall not permit outside pressure, fear of criticism or any form of self-interest to affect his decisions. An Arbitrator shall decide all the issues submitted for determination after careful deliberation and the exercise of his own impartial judgment.

An Arbitrator in communicating with the Parties shall avoid impropriety or the appearance of impropriety. There shall be no private communications between an Arbitrator and any party, regarding substantive issues in the case. All communications, other than proceedings at a hearing, should be in writing. Any correspondence shall remain private and confidential and

shall not be copied to anyone other than the Parties to the dispute, without the agreement of the Parties.

An Arbitrator shall not accept any gift or substantial hospitality, directly or indirectly, from any Party to the Arbitration, except in the presence of the other Parties and/or with their consent.

Rule Three

An Arbitrator shall only accept an appointment if he has suitable experience and ability for the case and available time to proceed with the Arbitration.

Rule Four

An Arbitrator shall be faithful to the relationship of trust and confidentiality inherent in that office.

Rule Five

An Arbitrator shall charge according to the *Schedule of Fees* of the FDRC in Annex I of the Terms of Reference of the FDRC.

Rule Six

An Arbitrator who is a Board or staff member may use the name and/or logo of the FDRC to promote the FDRC and its service. Subject to the above, an Arbitrator may not use the name and/or the logo of the FDRC or the fact that he is on the List of Arbitrators maintained by the FDRC to promote his private practice.

Rule Seven

An Arbitrator shall consider whether it is appropriate to be covered by professional indemnity insurance and if so, shall ensure that he is adequately covered.

[NOTE: The Code has been formulated by the Chartered Institute of Arbitrators (“CI Arb”) as a guide to independent dispute resolvers as to their conduct and that the CI Arb has consented to the Financial Dispute Resolution Centre (“FDRC”) adopting the Code for its own scheme. The Chartered Institute of Arbitrators gives no warranty representation or assurance that the Code is suitable for use or adoption by the FDRC for its scheme.]