

JAMS Guidelines for Use of Clerks in Arbitrations

It is acceptable for JAMS arbitrators to use clerks, under the following guidelines:

- Arbitration clerks must complete a separate conflicts disclosure form which will be provided by JAMS and made available to the parties immediately following the engagement of a clerk in the case.
- Clerk conflict information will not be tracked and provided by JAMS unless the clerk is exclusively with JAMS;
- The arbitrator should explicitly disclose with other initial disclosures or as early as practicable in the fee agreement, fee schedule, engagement letter, scheduling order or other writing, that a clerk will be used or that it is the practice of the arbitrator to regularly use clerks;
- The arbitrator's disclosure regarding the use of a clerk should state the types of tasks assigned to the clerks, e.g. research or/and drafting;
- If a clerk is to be billed to the parties, that must be stated in the disclosure or fee agreement, including the amount that clients will be billed for clerk time;
- If there is no prior agreement for payment by the parties, the clerk is to be paid by the arbitrator without reimbursement;
- There is no guideline on whether clerks can be billed at more than they are paid by the arbitrator and how the surplus will be allocated, in part because some clerks are engaged ad-hoc on an hourly basis and others at a fixed retainer or salary paid by the arbitrator;

- Panelists are reminded that if they bill on the basis of time expended, they may not add to their billed time to cover non-billed time for clerks or assistants.

Effective May 5, 2012