



# Wild Bird Feeding Industry

## ARBITRATION RULES & GUIDELINES

The following guidelines pertain to the full arbitration rules approved for use by member companies of the Wild Bird Feeding Industry.

### **1. OVERVIEW**

- A. The purpose is to consider cases involving disputes between or among active members (among whom arbitration is compulsory) or between members and non-members (by consent of both parties).
- B. The arbitration system is comprised of as many three-member committees as may be required and a five-member arbitration appeals committee.
- C. The administration work is handled by the Executive Director.
- D. Disputes to be considered include the original complaint as filed and also any cross-complaint, counterclaim or offset as set forth by the defendant.

### **2. FORMATION OF COMMITTEES**

- A. Each committee member is appointed by the Executive Director and approved by the President.
- B. Selection shall be made with an effort to include people experienced in the type of trade involved in the case to be heard.
- C. Committee members must disclose any bias or personal interest in the case to the Executive Director, who shall report same to the parties.
- D. Either party to the case may challenge the appointment of a member for prejudicial or other causes.

### **3. COMMITTEE PROCEDURES**

- A. The chairman of an arbitration committee may choose to determine its judgment by passing the papers from one member to another or by calling a meeting of the members.
- B. Either party (or both) may request an oral hearing. The party (parties) requesting the hearing must pay in advance all estimated travel expenses of the committee.

### **4. FEE SCHEDULES (BASED ON PLAINTIFF'S ORIGINAL CLAIM)**

A. Arbitration (fee to be paid by each party)		B. Appeal (fee to be paid by appealing party only)	
Less than \$5000.....	\$200	Less than \$5000.....	\$400
\$5000 - \$25,000.....	\$400	\$5000 - \$25,000.....	\$800
\$25,000 - \$50,000.....	\$600	\$25,000 - \$50,000.....	\$1200
Over \$50,000.....	\$800	Over \$50,000.....	\$1600

### **5. ARBITRATION PROCESS**

- A. Complaint is submitted to the Executive Director within 12 months of the expiration date for performance of the contracts.
- B. Contract for arbitration is signed by both parties.
- C. Defendant submits cross pleading or counterclaim.
- D. Plaintiff files rebuttal.
- E. Defendant files surrebuttal.
- F. Executive Director assigns a committee for hearing.
- G. Committee reports findings and awards.
- H. Parties comply with finding or file an appeal.

### **6. APPEAL PROCESS**

- A. The appeal process is basically same as the arbitration process.
- B. No new evidence may be presented.
- C. The appeal fee must be presented in advance by the appellant along with a certified check for the amount of the original judgment.