

20 October 2014

Nonbinding alternative dispute resolution (ADR) agreements for proceedings before the ASBCA must contain a statement substantially as follows:

Other Agreements Regarding the Neutral

The Neutral shall have the same common law immunity as judges and arbitrators from suit for damages or equitable relief and from compulsory process to testify or produce evidence based on or concerning any action, statement, or communication in or concerning the ADR proceeding. The parties understand that there is no attorney-client relationship between the Neutral and any party to this Agreement, and each party acknowledges that it will seek and rely on legal advice solely from its own counsel and not from the Neutral. The Parties agree, on behalf of themselves and their counsel, that they will not call or subpoena the Neutral in any legal action or administrative proceeding of any kind to produce any notes or documents related to the ADR proceeding or to testify concerning any such notes or documents or his/her thoughts or impressions.