### NAFTA 2022 COMMITTEE 2013 ANNUAL REPORT OF WEBSITE SUB-COMMITTEE

This Report includes a summary of the work completed by the Sub-Committee in the last year.

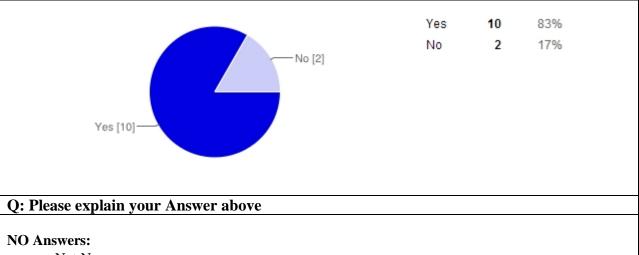
- 1. Summary of the Responses for the NAFTA 2022 Committee Members Survey
- 2. Summary of formatting changes completed to the website as approved at the 2012 Annual Meeting to make the website more user-friendly
- 3. Proposed textual changes to website for Committee Approval
- 4. Other Updates
- 5. An Introduction and Explanation NAFTA 2022 Committee's new LinkedIn page (attached)

### 1. Committee Member Survey Responses

In continuing with the work plan, the Website Subcommittee prepared a survey to gather basic biographical data from all NAFTA 2022 Committee Members. This survey was disseminated to all Committee Members by the Government Co-Chairs this past year. After the initial deadline for responses passed, it was decided this survey should been re-sent to Committee Members. The survey has been distributed again and continues to remain open for Committee members to reply. A copy of this Survey in its entirety is also included in the meeting materials behind this report and the Subcommittee will be gathering responses during this year's Annual Meeting.

Overall the Subcommittee received a total of 12 responses to the Member Survey. In addition to biographical information that need not be presented in this Report, the responses can be summarized as follows.

# **Q:** Should the Website Include Biographical Information about Members other than just name and affiliation?



- Not Necessary
- I see a difficulty in establishing consistency among the bios. Education? Qualifications? Experience? Format? Personal information, professional affiliation?

#### **YES Answers:**

- Should include location, affiliations, areas of practice, perhaps some professional organizations or recognitions so that a viewer gets some idea who the members are and their background.
- Yes, but not resumes, just a brief identifying paragraph, see below, without lists of committees, publications, etc.
- As long as there are guidelines as to content and length, I think additional information on each member would be useful to those accessing the Committee's webpage.
- Yes, so that expertise of member can be readily ascertained.
- I little more information could help make committee members better resources in general. More people might be feel better about reaching out if they know a little more about them.
- This would provide the public with information re: the individuals on the committee.
- The biographical information could include a short factual description of experience and education relevant to the mandate of the Committee. This would allow members of the public to understand the value of the Committee's advice and the expertise that it can bring to its work.

- Bios would lend more credibility to the site
- Expertise and contact info would be useful
- Will provide comfort to persons inquiring about or contacting the Committee that its members have some knowledge of and connection with international arbitration

# Q: If the Website does include bios about members, what should those bios include and how should they be limited?

- Should be short and factual not a marketing piece.
- Brief geographical info, e.g. Los Altos, California, United States
- Brief professional info, e.g., areas of expertise, degrees, languages
- Should include some basic background information, areas of expertise. Limited to maybe a word count of 50 (that is about 3 sentences).
- Academic credentials, affiliations and arbitration and ADR-related bibliography.
- General experience with three or four sentences. Employers and area of professional experience.
- I would limit the information to location and professional affiliation, e.g. law school, law firm, or such. With that, any interested party can find out more on the internet.
- Limited to experience with international arbitration
- Bios should be limited to a short factual description of experience and education relevant to the mandate of the Committee. I suggest that they be no more than 100 words in length.
- One page at most.
- Focus on expertise of member.
- A brief summary of the member's education and professional qualifications and the member's occupation, not exceeding 130 words.

Q: Please provide the names of any principal arbitration institutions (within the scheme of those already listed) that are currently absent from the website. For all additions, please include as much information as possible (i.e. website, location, etc.)

- CAM Centro de Arbitraje de México
- CAIC Centro de Arbitraje de la Industria de la Construcción
- CANACO Comisión de Arbitraje de la Cámara Nacional de Comercio de la Ciudad de México
- JAMS International

The Subcommittee suggests we take a vote based on the responses and feedback received through the Member Surveys as to what additional biographical information we would like to include in the website.

Additionally, the Subcommittee suggests the Committee votes on whether or not to add the cited Principal Arbitration Institutions to the website as well as the National Conflict Resolution Center that approached the Subcommittee this year asking to be included. Presentation about the NCRC and materials will be distributed during Subcommittee Report.

# 2. Specific Webpage Changes

The following table indicates the specific page edits that were accomplished during the last year by the Subcommittee. All changes relate to the overall accessibility and formatting of the website and were approved as shown below at the 2012 Annual Meeting.

| Location-<br>Side Bar<br>Menu | Page Title/<br>Side Bar<br>Menu                               | Suggested Changes   | Direct Webpage Link  |
|-------------------------------|---|---|--|
| 1                             | Alternative<br>Dispute<br>Resolution                          | <ul> <li>List of all NEW Sidebar Topics with links<br/>to Specific Pages (as numbered here)</li> <li>Deleted Detailed Index</li> <li>Add Link to Notice/Disclaimer (see below)</li> </ul>   | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=89&language=en<br>-US   |
| 2                             | Overview and<br>Guide   | <ul> <li>Renamed: "ADR in the NAFTA Region" –<br/>Change in Sidebar and on page</li> </ul>  | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=89&language=en<br>-US   |
| 3                             | Advisory<br>Committee on<br>Private<br>Commercial<br>Disputes | <ul> <li>Renamed: "NAFTA 2022 Committee" –<br/>Change in Sidebar and on page</li> <li>Create List Instead of including entire<br/>Terms of Reference</li> <li>List should include:         <ul> <li>NAFTA Article 2022</li> <li>Hyperlink to Art. 2022</li> <li>Mandate of the Committee</li> <li>Link to new page with<br/>2022 committee mandate<br/>text</li> <li>NAFTA 2022 15-Year<br/>Retrospective (Link see below)</li> <li>1996 Committee Report (Link<br/>see below)</li> <li>Minutes of Committee Meeting<br/>(Link see below)</li> <li>All Member and Committee<br/>Reports (link to new page –<br/>include all by year)</li> </ul> </li> </ul> | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=104&language=e<br><u>n-US</u>   |
| 4                             | Committee<br>Members  | <ul> <li>Remove from Page 3 - Create New Single<br/>Page with all information from separate<br/>country pages</li> <li>List 3 Country names at top of page with<br/>hyperlinks to specific sections of the page<br/>below</li> <li>Add link to Past/Current Subcommittees<br/>Page under 3 country names but before<br/>lists of members (see link in sidebar)</li> <li>Specific sections should include all current<br/>members for each country</li> <li>Under current members for each country –</li> </ul>  | Canada:<br>https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=1002&language=<br>en-US<br>Mexico:<br>https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=1005&language=<br>en-US<br>U.S.:https://www.nafta-<br>sec-<br>alena.org/Default.aspx? |

|    |                 | "Past Committee Members"                                      | tabid=1008&language=           |
|----|-----------------|---|--------------------------------|
|    |                 | <ul> <li>Create 3 new pages (one for each country)</li> </ul> | en-US                          |
|    |                 | that lists all Past Committee Members                         | Past Subcommittees:            |
|    |                 |   | https://www.nafta-sec-         |
|    |                 |   | alena.org/Default.aspx?        |
|    |                 |   | tabid=242&language=e           |
|    |                 |   | <u>n-US</u>                    |
| 5  | Methods of      |   | https://www.nafta-sec-         |
|    | Private Dispute |   | alena.org/Default.aspx?        |
|    | Resolution      |   | tabid=106&language=e           |
|    |                 |   | <u>n-US</u>                    |
| 6  | Arbitration     | • Renamed: "Creating an Arbitration                           | https://www.nafta-sec-         |
|    | Clause          | Clause" - in sidebar and in page                              | alena.org/Default.aspx?        |
|    | Checklist       | • Add shortened checklist at top of page with                 | tabid=108&language=e           |
|    |                 | links to specific sections in same order                      | <u>n-US</u>                    |
|    |                 | shown on page   |                                |
|    |                 | 1. Arbitration Rules  |                                |
|    |                 | 2. Place of Arbitration                                       |                                |
|    |                 | 3. Applicable Law/Choice of Legal                             |                                |
|    |                 | Regime  |                                |
|    |                 | 4. Composition of the Arbitral Tribunal                       |                                |
|    |                 | 5. Language   |                                |
|    |                 | 6. Additional Matters to be Considered                        |                                |
|    |                 | for Inclusion in the Arbitration Clause                       |                                |
|    |                 | a. Discovery and Production of<br>Documents                   |                                |
|    |                 | b. Interim Relief   |                                |
|    |                 | c. Consolidation  |                                |
|    |                 | d. Relief to be Granted                                       |                                |
|    |                 | e. Time Limitations   |                                |
|    |                 | f. Costs and Expenses   |                                |
|    |                 | <ul> <li>Remove ad-hoc and institutional</li> </ul>           |                                |
|    |                 | arbitration links in first paragraph                          |                                |
|    |                 | (Unnecessary)   |                                |
| 7  | Model ADR       |   | https://www.nafta-sec-         |
|    | Clauses         |   | alena.org/Default.aspx?        |
|    |                 |   | tabid=107&language=e           |
|    |                 |   | <u>n-US</u>                    |
| 8  | Selecting an    | • Add link at bottom to "Principal                            | https://www.nafta-sec-         |
|    | Arbitration     | Arbitration Institutions" Page                                | <u>alena.org/Default.aspx?</u> |
|    | Institution     | • List all 3 countries and include                            | tabid=110&language=e           |
|    |                 | separate links per country for                                | <u>n-US</u>                    |
|    |                 | specific part of page   |                                |
| 9  | Principal       | • Update contact information for all                          | https://www.nafta-sec-         |
|    | Arbitration     | institutions (attached)                                       | alena.org/Default.aspx?        |
|    | Institutions    |   | tabid=109&language=e           |
|    |                 |   | <u>n-US</u>                    |
| 10 | Recent          | • Create new sidebar location called                          | https://www.nafta-sec-         |
|    | Outreach        | "Committee Events" – Change Recent                            | alena.org/Default.aspx?        |
|    | Activities      | Outreach Activities to this page                              | tabid=1089&language=           |

|  | • Delete entire last paragraph pertaining to   | <u>en-US</u>  |
|--|--|---|
|  | contacting the Committee and Contact Info  |   |
| Discussion<br>Forum                                  | • Delete   | <u>https://www.nafta-sec-</u><br><u>alena.org/Default.aspx?</u><br><u>tabid=111&amp;language=e</u><br>n-US  |
| Notice/<br>Disclaimer                                | • Move link to bottom of page 1  | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=239&language=e<br><u>n-US</u>  |
| Past/Current<br>Subcommittees                        | • Update list and link within Committee<br>Members Page - Page 4   | <u>https://www.nafta-sec-alena.org/Default.aspx?</u><br><u>tabid=242&amp;language=e</u><br><u>n-US</u>  |
| 1996 Report of<br>the NAFTA<br>Advisory<br>Committee | • Move link to NAFTA Committee - Page 3  | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=1092&language=<br><u>en-US</u>   |
| 15-Year<br>Retrospective                             | • Move link to NAFTA Committee - Page 3  | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=242&language=e<br><u>n-US</u>  |
| Minutes of<br>Committee<br>Meetings                  | <ul> <li>Move link to Minutes Page to NAFTA<br/>2022 Committee Page 3</li> </ul>   | https://www.nafta-sec-<br>alena.org/Default.aspx?<br>tabid=105&language=e<br><u>n-US</u>  |
| All Member<br>and Committee<br>Reports               | <ul> <li>Used to be in detailed index as         <ul> <li>Houston meeting materials – link<br/>no longer working. Should be a<br/>new page that contains all docs<br/>related to this listed by meeting<br/>year – link to this new page should<br/>be in Page 3</li> <li>Member Reports                 <ul> <li>All moved to one page<br/>with Meeting Materials<br/>and divided by years (from<br/>the detailed index)</li> <li>Allent the detailed index</li> <li>Allent the detailed index</li></ul></li></ul></li></ul> | From Detailed Index: <ul> <li>Meeting Materials <ul> <li>2010</li> <li>Meeting</li> <li>Materials</li> <li>(Houston)</li> </ul> </li> <li>Member Reports </li> <li>Guidance Notes on <ul> <li>Arbitrator Conduct</li> <li>for Private</li> <li>Commercial</li> <li>Disputes in the</li> <li>NAFTA Region</li> </ul> </li> <li>2010 Reports on <ul> <li>Current</li> <li>Developments <ul> <li>Canada</li> <li>Mexico</li> <li>United</li> <li>States</li> </ul> </li> </ul></li></ul> |
| Detailed Index                                       | Delete   | http://www.nafta-sec-<br>alena.org/en/view.aspx<br>?conID=965   |

# **3.** Proposed textual changes to website for Committee Approval

| Page Title                           | Suggested<br>Changes  | Proposed Edits   | Direct Webpage<br>Link  |
|--------------------------------------|---|--|---|
| Alternative<br>Dispute<br>Resolution | Short Intro<br>Sentences to<br>ADR and the<br>NAFTA 2022<br>Committee,<br>followed by<br>"On this<br>Website you<br>will find" and<br>information<br>about what is<br>contained | Private Dispute Resolution in the NAFTA Region         Expanding international trade creates a growing need for fair, expeditious and cost-effective resolution of disputes arising out of international commercial transactions. Alternative dispute resolution (ADR) is a set of private, consensual processes, such as mediation or arbitration, designed to meet these needs. It is the method of choice in business today.         The NAFTA recognized the importance of facilitating private international dispute resolution by establishing the Advisory Committee on Private Commercial Disputes. To assist private investors and businesses, the Committee has prepared and posted on this website materials to guide the decision making with respect to ADR and to facilitate its use.         On this web site you will find the following resources:         • ADR in the NAFTA Region         • NAFTA 2022 Committee         • Committee Members         • Methods of Private Dispute Resolution         • Creating an Arbitration Clause         • Model ADR Clauses         • Selecting an Arbitration Institution         • Principal Arbitration Institutions         • Committee Events | https://www.naft<br><u>a-sec-</u><br>alena.org/Default<br>.aspx?tabid=89&<br>language=en-US |
| ADR in the<br>NAFTA Region           | Definition of<br>ADR, Intro to<br>NAFTA 2022<br>Committee   | ADR IN THE NAFTA REGION<br>Alternative Dispute Resolution (ADR) refers to any method of settling a<br>dispute outside of traditional litigation and the courtroom. In the context of   | https://www.naft<br><u>a-sec-</u><br><u>alena.org/Default</u><br>.aspx?tabid=103            |

|            |                |  | ,                        |
|------------|----------------|--|--------------------------|
|            |                | NAFTA, it is unfeasible to have ever-expanding international trade without a       | <u>&amp;language=en-</u> |
|            |                | system for resolving disputes that will inevitably arise out of such trade.        | <u>US</u>                |
|            |                | ADR is the method of choice for resolving these disputes in business today.        |                          |
|            |                |  |                          |
|            |                | The three NAFTA countries identified ADR as import for the resolution of           |                          |
|            |                | international commercial contracts and as such, the NAFTA 2022 Committee           |                          |
|            |                | was established during the NAFTA negotiations to assess the availability and       |                          |
|            |                | enforcement of private ADR awards within the region. [View NAFTA 2022]             |                          |
|            |                | Committee Mandate].  |                          |
|            |                |  |                          |
|            |                | (Need to add sentences from Legal Development Subcommittee about                   |                          |
|            |                | statistics and how ADR used within the Region)                                     |                          |
| NAFTA 2022 | What is the    | NAFTA 2022 Committee   | https://www.naft         |
| Committee  | 2022           |  | a-sec-                   |
| Committee  | Committee?     | Article 2022 of the North American Free Trade Agreement establishes the            | alena.org/Default        |
|            | incorporate    | Advisory Committee on Private Commercial Disputes, also known as the               | .aspx?tabid=109          |
|            | intro to Art.  | NAFTA 2022 Committee. The Committee reports and provides                           | 8&language=en-           |
|            | 2022 and       | recommendations to the NAFTA Commission on the availability, use and               | US                       |
|            |                |  | <u>40</u>                |
|            | hyperlink to   | effectiveness of arbitration and other procedures for resolving private            |                          |
|            | text, Simple   | international commercial disputes in the free trade area. The Commission has       |                          |
|            | language on    | asked the Committee to:  |                          |
|            | mandate of     |  |                          |
|            | 2022           | • identify sectors and types of businesses that would particularly benefit         |                          |
|            | committee with | from the use of <u>alternative dispute resolution</u> (ADR);                       |                          |
|            | link to        | <ul> <li>promote and facilitate the use of such procedures in the NAFTA</li> </ul> |                          |
|            | mandate, Intro | region;  |                          |
|            | to the work of | • increase private sector awareness of their benefits;                             |                          |
|            | 2022;          | • identify opportunities for expanded cooperation between institutions             |                          |
|            |                | with an interest or involvement in ADR in the NAFTA region; and                    |                          |
|            |                | <ul> <li>report and provide recommendations on issues relating to the</li> </ul>   |                          |
|            |                | enforcement of arbitration agreements and awards, and other litigation             |                          |
|            |                | issues related to ADR  |                          |
|            |                |  |                          |
|            |                |  |                          |

|                               |   | Since it as established in 1994, the Committee has completed various<br><u>outreach events</u> . To learn more about the Committee and its work, click on<br>the following links:<br><ul> <li><u>NAFTA Article 2022</u></li> <li><u>Mandate of the Committee</u></li> <li><u>NAFTA 2022 15-Year Retrospective</u></li> <li><u>1996 Committee Report</u></li> <li><u>Minutes of Committee Meetings</u></li> <li><u>All Member and Committee Reports</u></li> </ul>  |   |
|-------------------------------|---|--|---|
| Methods of<br>Private Dispute | Change overall language to  | Alternative Methods of Private Commercial Dispute Resolution<br>Parties entering into international business contracts should consider, at the   | https://www.naft<br>a-sec-                                  |
| Resolution                    | make easier for<br>reader; Add<br>particularities<br>of mechanisms<br>in each country<br>(for example,<br>concilication in<br>Mexico) | <ul> <li>and the sentening into international obsiness contracts should consider, at the outset of negotiations, whether they wish to resort to the courts or use <u>Alternative Dispute Resolution</u> ("ADR") in the event a dispute arises. Well-designed ADR offers neutral, private proceedings responding to the particular needs of the parties. A well-drafted ADR clause may not only result in more effective dispute resolution, but also deter breaches of the parties' agreement.</li> <li>1. On this web site you can find: <ul> <li><u>An overview of ADR methods</u></li> <li><u>Model ADR clauses</u></li> <li><u>An arbitration clause checklist</u></li> <li><u>Information on the principal not-for-profit arbitration institutions in the NAFTA region</u></li> <li><u>Criteria for selecting an appropriate ADR institution</u>.</li> </ul> </li> <li>The principles described here can necessarily only be basic. The reader should consider consulting one of the arbitral institutions identified below, or others with expertise, before finalizing any contract terms.</li> </ul> | alena.org/Default<br>.aspx?tabid=106<br>&language=en-<br>US |

| Г Г | 1 1 1  |  |
|-----|--|--|
|     | and arbitration.   |  |
|     | <b>Mediation</b><br>Mediation usually provides a private and confidential forum in which an<br>impartial third party the mediator facilitates communication between the<br>parties with the aim of achieving a settlement of the dispute. The mediator<br>acts as an intermediary with whom each party should feel comfortable<br>discussing its view of the dispute. The mediator seeks to focus the parties on<br>the critical issues in dispute and on the interests of each party in achieving a<br>settlement. The mediator may propose settlement options for the parties to<br>consider, but the recommendations of the mediator are not binding on the<br>parties. |  |
|     | The mediator may or may not be an attorney. It is recommended that he or she be someone whom both parties trust. Mediation is often conducted without involvement of legal counsel representing the parties. <u>Model Mediation Clause</u>   |  |
|     | <b>Arbitration</b><br>While mediation is designed to encourage the parties to find a mutually acceptable settlement, arbitration is an adversarial process that results in an award that is binding on the parties. Depending on the provisions of the arbitration clause, the decision may be rendered by one or three arbitrators.   |  |
|     | The parties generally present arguments, witnesses and documentary<br>evidence to the arbitrators. Rules of procedure and evidence that judges<br>apply in court do not usually apply at arbitration. The rules followed in<br>arbitration are generally very flexible. Attorneys are frequently involved in<br>representing the parties, but it is not always necessary to retain counsel.<br>Arbitrators are often attorneys, but they may also be business people or other  |  |
|     | Arbitrators are often attorneys, but they may also be business people of other<br>professionals with knowledge or skills relevant to the dispute.<br>Most arbitration awards are observed voluntarily by the losing party.<br>However, if the losing party does not voluntarily comply with the award  |  |

|                                      | changed for<br>different<br>situations or   | which law should apply to any dispute, specific discovery rules, or the power<br>of arbitrators to order interim relief. For a list of issues that should be<br>considered in drafting an arbitration clause, see the <u>Arbitration Clause</u>  |  |
|--------------------------------------|---|--|--|
| Clauses                              | explanation on<br>what model<br>clauses are,<br>when they<br>might be used,<br>and how they<br>might be | Model arbitration and mediation clauses for international contracts are set<br>forth below. These model clauses can help parties begin to draft contract<br>terms that meet their needs. While they offer a number of specific options,<br>they are not exhaustive and do not include all possible provisions that may<br>need to be considered or may be desirable in particular contracts. They<br>should not be treated as the final product of the process of drafting an ADR<br>clause. Parties may, for example, need to deal with additional issues like  | <u>a-sec-</u><br><u>alena.org/Default</u><br><u>.aspx?tabid=107</u><br><u>&amp;language=en-</u><br><u>US</u> |
| Model ADR                            | Add   | Model ADR Clauses  | <u>US</u><br>https://www.naft  |
| Creating an<br>Arbitration<br>Clause | Add section<br>explaining use<br>of Model ADR<br>Clauses at end   | NEEDS TO BE ADDED/DRAFTED BY MEXICAN MEMBER         To see a model arbitration clause addressing some (but not all) of the issues         listed above, click here. Note that this clause is meant to serve only as a         starting for point drafting, and that parties may need to consider additional         issues before finalizing contract terms.   | https://www.naft<br><u>a-sec-</u><br><u>alena.org/Default</u><br><u>.aspx?tabid=108</u><br>&language=en-     |
|                                      |   | rendered by the arbitrators, it may be enforced by local courts with<br>jurisdiction over the losing party. Canada, Mexico and the United States are<br>parties to various international treaties that require their courts to enforce<br>arbitration awards with very few exceptions (such as fraud or corruption).<br>Thus, unlike a court judgment, there are very few grounds to appeal an<br>adverse arbitration award.<br>For a discussion on enforcement of arbitral awards in the NAFTA region,<br>see <u>"Enforcing Agreements to Arbitrate and Arbitral Awards in the NAFTA<br/>countries".</u><br><u>Model Arbitration Clause</u> |  |

|           |                | <ul> <li><i>i.</i> Any dispute, controversy or claim arising out of, relating to, or in connection with, this contract, or the breach, termination or validity thereof, shall be finally settled by arbitration. The arbitration shall be conducted in accordance with [identify rules] in effect at the time of the arbitration, except as they may be modified herein or by mutual agreement of the parties. The seat of the arbitration shall be [city, country], and it shall be conducted by [one or three] arbitrators, who shall be selected in accordance with [the rules selected above].</li> <li><i>ii.</i> The arbitral award shall be in writing and shall be final and binding on the parties. The award may include an award of costs, including reasonable attorneys' fees and disbursements. Judgment upon the award may be entered by any court having jurisdiction thereof or having jurisdiction over the parties or their assets.</li> </ul> |                           |
|-----------|----------------|---|---------------------------|
|           |                | MediationA model mediation clause for international contracts is set forth below.   |                           |
|           | 2              | If a dispute, controversy or claim arises out of or relates to this contract, or<br>the breach, termination or validity thereof, and if either party decides that the<br>dispute cannot be settled through direct discussions, the parties agree to<br>endeavor to settle the dispute in an amicable manner by mediation pursuant<br>to [identify rules]. If this mediation does not result in a settlement, then the<br>dispute shall be resolved by arbitration pursuant to [clause (b) below].<br>[Alternatively, the parties may provide for litigation in a court specified by<br>the parties.]  |                           |
| Committee | Summarize      | Committee Events  | https://www.naft          |
| Events    | past events in | One of the roles of the NAFTA 2022 Committee is education. It is an   | <u>a-sec-</u>             |
|           | order from     | ongoing process for business representatives, lawyers and judges to learn   | alena.org/Default         |
|           | most recent to | about the advantages of arbitration and mediation and to become comfortable<br>with these mechanisms. Many contracts are done in form basis, and they do  | <u>.aspx?tabid=108</u>    |
|           | oldest         | with these mechanisms. Many contracts are done in form basis, and they do   | <u>9&amp;language=en-</u> |
|           |                | not necessarily address ADR or anticipate problems that may arise   | <u>US</u>                 |

| specifically as a result of the international nature of the transactions.<br>Likewise, many contracts are negotiated by businesses themselves; and many |
|---|
| small and medium-sized businesses, as well as in-house lawyers, may not be  |
| familiar with ADR mechanisms, or may only be familiar with ADR in the   |
| domestic (rather than international) context. As such, Education constitutes  |
| an important part of the Committee outreach efforts.  |
| an important part of the Committee outreach chorts.   |
| Annual Committee Meeting Outreach Events  |
| The Committee has undertaken a number of outreach activities in conjunction   |
| with its regularly-scheduled meetings.  |
|   |
| Outreach sessions have occurred at the following Annual meetings:   |
| Mexico City (June 1999)   |
| Calgary (June 2000)   |
| Denver (January 2002)   |
| Oaxaca (September 2003)   |
| Santa Fe (September 2004)   |
| Ottawa (October 2005)   |
| Morelia (June 2006)   |
| San Juan, Puerto Rico (March 2007)  |
| Vancouver, B.C. (March 2008)  |
| Queretaro (September 2009)  |
| Houston (June 2010)   |
| Puebla (October 2012)   |
| Los Angeles (September 2013)  |
|   |
| Additional Outreach Activities  |
| In recent years, the Committee has been working with the <u>National Law</u>  |
| Center for Inter-American Free Trade (NatLaw) to provide additional   |
| opportunities for businesses (and their lawyers) to learn more about how they   |
| can benefit from the use of ADR in their operations. As part of these efforts,  |
| the Committee and the NatLaw have coordinated panel presentations on ADR  |
| in various fora. In these presentations, government and private sector  |

| representatives from all three NAFTA countries have addressed the      |
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| importance and benefits of resorting to alternative dispute resolution |
| mechanisms.  |
| incentainismis.  |
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| <u>2012 – to be added</u>  |
|  |
| <u>2011 – to be added</u>  |
|  |
| 2010   |
| <u>2010</u>  |
| May, Mexico City, Mexico – ADR Working Session on various              |
| commercial matters   |
| Organized by NLCIFT, the Institute, and the CAJ                        |
|  |
|  |
| May, Mexico City, Mexico – ADR Program and Panel Presentations on      |
| commercial law reform in Mexico and the development of model           |
| contracts  |
| Organized by NLCIFT and the Committee                                  |
| organized by NECH T and the Committee                                  |
|  |
| June, Houston, T.X., US – Outreach session for the judiciary on        |
| international and domestic ADR in the NAFTA region                     |
| Organized by NLCIFT and the Committee                                  |
|  |
| June, Houston, T.X., US – Outreach sessions for lawyers,               |
| businesspersons, and members of the academic community on ADR in       |
| • •  |
| the NAFTA region   |
| Organized by NLCIFT, the Committee, and the South Texas College of Law |
|  |
| 2009   |
| August, Mexico City, Mexico – ADR Outreach Panel for members of the    |
|  |
| judiciary on ADR mechanisms in Mexico                                  |
| Organized by NLCIFT  |
|  |
| September 14, 2009, Querétaro, Mexico – Committee Presentations at the |
|  |

| Annual Training Conference on ADR in Mexico and Canada                        |  |
|---|--|
| Organized by the Committee and Mexico's National Association of Corporate     |  |
| Lawyers (ANADE)   |  |
|   |  |
| November, Mexico – Outreach to the judiciary - first certification            |  |
| program to certify mediators  |  |
| Organized by NLCIFT, Mexican Instituto de Estudios Judiciales del Tribunal    |  |
| Superior de Justicia del D.F. (Institute for Judicial Studies of the Superior |  |
| Court of Justice of the Federal District – the Institute) and the Center for  |  |
| Alternative Justice (CAJ - also within the Superior Court of Justice)         |  |
|   |  |
| 2008  |  |
| March, Vancouver, Canada – Outreach session on challenges in the              |  |
| mining/extractive industry  |  |
| Organized by the Committee  |  |
|   |  |
| April, Honduras – Meeting to establish a potential program on sectorial       |  |
| alternative dispute resolution in Honduras                                    |  |
| Organized by NLCIFT, the Tegucigalpa Chamber of Commerce (Cámara de           |  |
| Comercio e Industria de Tegucigalpa – CCIT) and the Cortés Chamber of         |  |
| Commerce (Cámara de Comercio e Industrias de Cortés)                          |  |
|   |  |
| October, A.Z., US – Committee Presentation at an international trade          |  |
| forum "Government's and Non-Governmental Organization's Efforts to            |  |
| Develop International Trade Opportunities in Arizona"                         |  |
| Organized by the State Bar of Arizona International Law Section               |  |
|   |  |
| <u>2007</u>   |  |
| Guadalajara, Mexico – Presentation by the Committee                           |  |
| Organized by the North American World Trade Centers                           |  |
|   |  |
| March, Puerto Rico, US – Committee Presentation on dispute resolution         |  |
| in the NAFTA region   |  |

| Organized by the University of Puerto Rico  |
|---|
| June, Phoenix, A.Z., US - Panel Presentation on various ADR topics<br>Organized by NLCIFT and the Arizona State Bar<br>Reno, N.V., US – Discussions with the National Judicial College (NJC)<br>about collaboration for cross-border ADR outreach/education/training<br>for judges<br>Organized by NLCIFT |
| 2006<br>May, Tucson, A.Z., US – ADR Presentation to address US-Mexico cross-<br>border legal issues and other topics<br>Organized by NLCIFT   |
| June, Scottsdale, A.Z., US – ADR Panel Discussion to address CAFTA<br>developments<br>Organized by the International Law Section of the Arizona Bar Association in<br>Scottsdale, Arizona   |
| Guadalajara, Mexico – NLCIFT Presentation on ADR, the Committee,<br>and the 2022 website<br>Organized by the Autonomous University of Guadalajara   |
| 2005<br>October, Mexico City, Mexico – ADR Presentation, "Current Legal<br>Developments in U.SMexico Trade and Investment"<br>Organized by the Texas-Mexico Bar Association and the University of Texas<br>School of Law  |
| November, Mexico City, Mexico – ADR Panel Presentation to address<br>questions about arbitration<br>Organized by NLCIFT in collaboration with the Committee, as well as with<br>the World Trade Center (WTC)  |

| 2004<br>Monterrey, Mexico – ADR Presentation in Conjunction with<br>International forum "Let's Make NAFTA Competitive"<br>Organized by the Border Trade Alliance (BTA) to discuss various aspects of<br>trade relations in the NAFTA countries  |  |
|---|--|
| <b>Calgary, Canada – ADR Presentation, Outreach Program to address trade and customs issues</b><br>Organized by the Canadian Association of Importers and Exporters (IE Canada)   |  |
| Vancouver, Canada - ADR Presentation, Outreach Program to address<br>trade and customs issues<br>Organized by the Canadian Association of Importers and Exporters (IE<br>Canada)  |  |
| 2003<br>March 18, 2003, Washington D.C., US – ADR Panel at Meeting on<br>capital formation and capacity building in Central America as part of the<br>CAFTA negotiations<br>Sponsored by U.S. Department of Commerce, NLCIFT, INCAE (Instituto<br>Centroamericano de Administración de Empresas in Costa Rica) and the<br>North-South Center at the University of Miami.                |  |
| March 31 and April 1, 2003, Charlotte N.C., US – Panel on the use of<br>ADR and the insertion of an ADR clause in the context of the new<br>NAFTA bill of lading and ADR implications for the transportation<br>industry<br>Sponsored by Belmont Abbey College, Expide Logistics, in collaboration<br>with the NLCIFT and the Council of Logistics Management's Charlotte<br>Roundtable |  |

|                       |             | September 17, 2003, Washington, D.C., US – ADR Panel as part of the<br>Small & Medium Enterprise (SME) Congress of the Americas Meeting<br>Organized by the U.S. Small Business Administration (SBA), as a sub-<br>program within its National Entrepreneurial Conference & Expo   |  |
|-----------------------|-------------|--|--|
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## 4. 2012-2013 Website Hit Report

This year, the Secretariat's website platform was changed. As such the capturing of statistics related to the website hits are not available for the past year. They have implemented a new system to capture these statistics and it is likely these will be available next for the 2013-2014 year.