

## NAFTA 2022 COMMITTEE

### 2016 ANNUAL REPORT OF THE TASK FORCE ON SECTORAL ADR FOR THE TRANSPORTATION INDUSTRY

During the XXV Meeting of the NAFTA 2022 Committee in Mexico City, Mexico in August 2015, the Task Force on Sectoral ADR for the Transportation Industry presented its 2015 annual report. This report focused on the previous work of the committee and, among other items, proposed the creation of a collaborative partnership with the Transportation Lawyers Association (TLA).

This proposed partnership was developed as a result of the answers received from surveys and interviews conducted with transportation attorneys and arbitrators during the previous year. These surveys revealed that while there is a need for arbitrators with some specialized knowledge of the transportation industry, the Transportation Lawyer's Association already has a network of such arbitrators and a partnership that would facilitate an expansion of this network could be more fruitful than starting from scratch.

During the 2015 meeting, the partnership proposal was discussed by the full Committee and approved in theory. The full Committee asked that the Task Force be more specific in their approach and evaluate how to structure an arrangement with the TLA to begin this partnership. As such, the Task Force prepared a draft letter from the NAFTA 2022 Committee to the TLA to start this conversation. The specific purpose and contents of the letter are explained below, as well as a proposed plan moving forward upon the letter's approval by the Committee.

#### **1. Proposal**

As explained in the 2015 annual report, the TLA is an independent, international bar association whose members assist providers and/or commercial users of logistics and transportation. The TLA has members from around the world, including the NAFTA countries and provides a member forum and CLEs and also organizes annual Conferences and Meetings. Additionally, the TLA offers ADR Services including PDF documents that provide example Administrative Rules for Arbitration and Mediation and the ability to search for an arbitrator or mediator. This search can be completed by State and currently includes states of both Canada and the United States but does not yet include Mexico. When searching for an arbitrator or mediator, results feature an individual's contact information, experience as an arbitrator or mediator, where they are licensed, their areas of legal practice, information about their representative transportation clients, and their education and professional associations.

The Task Force believes that including Mexican experts into the Arbitrator and Mediator search would be beneficial in the context of the NAFTA region, but also for the TLA in order to expand its reach. For this reason, the Task Force determined that the main goal of the letter was to suggest the inclusion of arbitrators and mediators located in Mexico into the TLA's Arbitrator and Mediator Search application.

The Task Force has prepared a draft letter that is organized in the following fashion: first, it explains the mission and vision of the NAFTA 2022 Committee; second, it explains the reasons

why the Committee is reaching out to the TLA and how creating a collaborative partnership would be beneficial for both the Committee and the TLA; and third, it proposes the inclusion of arbitrators and mediators located in Mexico.

## **2. Future Work and Focus**

Once the contents of the letter have been approved by the Committee, the Task Force will send the letter to the TLA President. This could be facilitated through one of the NAFTA 2022 Committee Members that has been or is currently involved with the TLA.

Should the TLA be interested in working with the Task Force, the Task Force would discuss the specific details that could be included in a collaborative partnership and create a plan with to present to the larger Committee. Should the TLA be interested in including arbitrators and mediators located in Mexico into the Arbitrator and Mediator Search application, the Task Force would assist the TLA in coming up with a process to locate these individuals and possibly provide a list of resources that would be helpful for this search.