

Procedural Consultative Committee

The Japan Commercial Arbitration Association
(JCAA)

The JCAA has the Procedural Consultative Committee for the purpose of hearing opinions from outside legal experts on the matters of the arbitral and mediational proceedings which it considers require particularly careful determinations. The committee members are as follows;

Chairperson:

Prof. Kazuhiko Yamamoto (Hitotsubashi University)

Member (Alphabetical order):

Douglas K. Freeman, Esq. (Attorney)

Hiroyuki Tezuka Esq. (Attorney)

Shinji Kusakabe, Esq. (Attorney)

Prof. Shunichiro Nakano (Kobe University)

Prof. Shusuke Kakiuchi (Tokyo University)

The Regulations for the Procedural Consultative Committee will be amended as described below and put in to force in January 1, 2019 in conformity with the effective date of putting into force of three sets of arbitration rules (the Administrative Rules for UNCITRAL Arbitration, the Commercial Arbitration Rules and the Interactive Arbitration Rules.

**Procedural Consultative Committee Rules
(As Amended and Effective on January 1, 2019)**

Article 1 Purposes

The Japan Commercial Arbitration Association (hereinafter referred to as the "JCAA") shall establish a Procedural Consultative Committee (hereinafter referred to as the "Committee") with the purpose of hearing opinions from outside legal experts on the matters of the arbitral and mediational proceedings which it considers require particularly careful determinations.

Article 2 Consultative Function of the Committee

The scope of the matters handled by the Committee shall be as follows:

- (1) Matters relating to the UNCITRAL Arbitration Rules and the Administrative Rules for UNCITRAL Arbitration;
- (2) Matters relating to the Commercial Arbitration Rules;
- (3) Matters relating to the Interactive Arbitration Rules;
- (4) Matters relating to the International Commercial Mediation Rules and the Mediation Cost Regulations; and
- (5) Other matters relating to the arbitral or mediational proceedings on which the JCAA needs consultation.

Article 3 Consultation by the JCAA

In the following cases, the JCAA shall make a determination after consulting with and hearing the opinions of the Committee for the purpose of ensuring the appropriateness of its determinations.

- (1) In determining the challenge of an arbitrator under Article 12.3 of the UNCITRAL Arbitration Rules;
- (2) In determining the challenge of an arbitrator under Article 13.4 of the UNCITRAL Arbitration Rules;
- (3) In determining not to confirm the appointment of an arbitrator pursuant to Article 25.6 of the Commercial Arbitration Rules;
- (4) In determining the challenge of an arbitrator under Article 34.5 of the Commercial Arbitration Rules;
- (5) In determining the removal of an arbitrator under Article 34.5 of the Commercial Arbitration Rules;
- (6) In determining whether or not it is appropriate to continue the arbitral proceedings in the case where there is a vacancy in the position of an arbitrator after the closing of the arbitral proceedings as provided in Article 37 of the Commercial Arbitration Rules;
- (7) In the case of a determination not to confirm the appointment of an arbitrator pursuant to Article 25.6 of the Interactive Arbitration Rules;
- (8) In determining the challenge of an arbitrator under Article 34.5 of the Interactive Arbitration Rules;
- (9) In determining the removal of an arbitrator under Article 34.5 of the Interactive Arbitration Rules; and
- (10) In determining whether or not it is appropriate to continue the arbitral proceedings in the case where there is a vacancy in the position of an arbitrator after the closing of the arbitral proceedings as provided in Article 37 of the Interactive Arbitration Rules.

Article 4 Organization of broad

- (1) The Committee shall consist of six or more members.
- (2) The Committee shall have one chairperson.
- (3) The JCAA shall appoint the chairperson.
- (4) The chairperson shall preside over the meeting.
- (5) The JCAA shall, when the chairperson is unable to perform his/her duties, appoint an alternate chairperson.

Article 5 Appointment of committee member

The Committee member shall be appointed by the JCAA from among persons with expertise in arbitration and mediation.

Article 6 Term of Office of Members

- (1) The term of office of the member shall be 2 years. Provided, however, that the term of office of the alternate member shall be the remaining term of office of his/her predecessor.
- (2) The member may be reappointed.

Article 7 Appointment of Extraordinary Member

- (1) The JCAA may, when it finds it necessary, taking into account the members' interests and other matters for the matters on consultation, appoint an extraordinary member with regard to the specified matters for consultation.
- (2) The extraordinary member shall be a member of the Committee on certain matters consulted by the JCAA and their duties shall be terminated upon the conclusion of the deliberation of such matters.

Article 8 Manner of deliberation

- (1) The deliberation shall be conducted by the meeting. Provided, however, that in the event of an emergency, other methods may be used at the discretion of the chairperson.
- (2) The meetings shall be held in principle with the attendance of three or more members.
- (3) The member shall express their views from an independent standpoint.
- (4) The member who has an interest in the matters for consultation shall not participate in the meeting.
- (5) The meetings may be held in a videoconference or any other method deemed appropriate by the chairperson.
- (6) The JCAA may request one or more of the members to individually express his/her views on matters other than those to be consulted by the JCAA pursuant to Article 3 (Consultation by the JCAA).

Article 9 Confidentiality

The member (including an extraordinary member) or a person who was formerly a member shall not disclose the facts related to the matters on consultation or learned in the course of deliberation.

Article 10 Other matters

- (1) The member shall be remunerated according to the rules of the JCAA upon their attendance.
- (2) These Rules and the List of Members shall be published on the JCAA website.