

**§ 1-567.41. Appointment of arbitrators.**

- (a) A person of any nationality may be an arbitrator.
- (b) The parties may agree on a procedure of appointing the arbitral tribunal subject to the provisions of subsections (d) and (e) of this section.
- (c)
  - (1) If an agreement is not made under subsection (b) of this section, in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within 30 days of receipt of a request to do so from the other party, or if the two arbitrators fail to agree on the third arbitrator within 30 days of their appointment, the appointment shall be made, upon request of a party, by the court.
  - (2) In an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, a sole arbitrator shall be appointed, upon request of a party, by the court.
  - (3) In an arbitration involving more than two parties, if no agreement is reached under subsection (b) of this section, the court, on request of a party, shall appoint one or more arbitrators, as provided in G.S. 1-567.40.
- (d) The court, on request of any party, may take the necessary measures, unless the agreement on the appointment procedure provides other means for securing the appointment, if, under an appointment procedure agreed upon by the parties, any of the following events occur:
  - (1) A party fails to act as required under the procedure.
  - (2) The parties, or two arbitrators, are unable to reach an agreement expected of them under the procedure.
  - (3) A third party, including an institution, fails to perform any function entrusted to it under the procedure.
- (e) A decision of the court on a matter entrusted by subsection (c) or (d) of this section shall be final and not subject to appeal.
- (f) The court, in appointing an arbitrator, shall consider all of the following:
  - (1) Any qualifications required of the arbitrator by the agreement of the parties.
  - (2) Such other considerations as are likely to secure the appointment of an independent and impartial arbitrator.
  - (3) In the case of a sole or third arbitrator, the advisability of appointing an arbitrator of a nationality other than those of the parties.
- (g) The parties may agree to employ an established arbitration institution to conduct the arbitration. If they do not so agree, the court may in its discretion designate an established arbitration institution to conduct the arbitration.
- (h) Unless otherwise agreed, an arbitrator is entitled to compensation at an hourly or daily rate that reflects the size and complexity of the case, and the experience of the arbitrator. If the parties are unable to agree on a rate, the rate shall be determined by the arbitral institution chosen pursuant to subsection (g) of this section or by the arbitral tribunal, in either case subject to the review of the court upon the motion of any dissenting party. (1991, c. 292, s. 1; 1993, c. 553, s. 6; 2017-171, s. 1.)