

### **SEEKING TO NOMINATE: What we do.**

When you ask nec-adjudicators.org to nominate we do two things at least:

1. Appoint an Appointer. This person will be a very experienced adjudicator who has the sole task of deciding who will be appointed. This "scrutineer" will not appoint himself. Instead the person will consult with both parties immediately (time is tight); more on this below. We do not consider the role of appointer as a mere administrative task. It is a task which demands experience and insight and your help. We will consider complexity, weight, technicalities, and legal size. We will ask you directly about likely candidates to obtain your private view.

2. The scrutineer decides whom to appoint. All that you say will be considered but the person appointed is solely a matter for the scrutineer.

### **What we check**

Once the scrutineer has a candidate in mind, that person will be asked to check for conflict and disclose i.e. circumstances which indicate ostensible bias, facts, which indicate actual bias.

Dyson J: Amec v, Whitefriars: "Judges are assumed to be trustworthy and to understand that they should approach every case with an open mind. The same applies to adjudicators, who are almost always professional persons."

-

To consider the technical, legal, size, complexity and weight of the reference:

-

For Adjudicator suitability

-

For availability (& possibility of extended time requirements)

-

For likely series of references and future availability

-

For any other surrounding circumstances.

- The fact that this is an NEC3 Contract.

### **Making Representations**

Akenhead J (in *Makers v London Borough of Camden* [25 July 2008]) welcomes your suggestions as to the persons suited for this particular appointment.

"It is not necessarily wrong or unhelpful for a party to make representations".