



**ASSOCIATION MONDIALE DE DISPACHEURS**  
**INTERNATIONAL ASSOCIATION OF AVERAGE ADJUSTERS**  
**INTERNATIONALER DISPACHEURVEREIN**

Anciennement A.I.D.E. fondée en 1961 - Founded in 1961 as A.I.D.E.

**NOTES**

**on the provisions of the Statutes of AMD setting up the Tribunal and governing the performance of its duties**

NB: These notes are intended to provide explanations in respect of the text of the provisions. They form no part of the provisions themselves.

1. In the drafting of these provisions, there was considerable discussion of whether, for instance, average adjusters who are not members of AMD should have access to the Tribunal. Article 1 has been drafted in the widest terms in order to ensure that all those who may benefit from the services of such a Tribunal will have access to it.
2. The Tribunal is intended to fulfil the dual role of, on the one hand, providing opinions to individual applicants in non-contentious circumstances, and, on the other, deciding contentious issues between applicants who wish to refer the matter at issue to the AMD Tribunal.
3. The aim of the drafting of Article 2 to make the President of AMD responsible for the choice of the members of the Tribunal rather than allowing each of the parties to any reference to pick their own arbitrator is that it is often the experience in such matters that parties seek to pick an arbitrator whom they consider agrees with their point of view, such behaviour virtually ensuring that it will be necessary to appoint an Umpire to resolve the matter. The intention of the Article as drafted is therefore to provide for the appointment of the members of the Tribunal best able to decide the matter while attempting as far as possible to restrict the cost. Nevertheless the preamble to Article 2.2 preserves the possibility for parties referring a matter to the Tribunal to agree with the President other bases for the appointment of members of the Tribunal.
4. It is considered that, because the expertise of members of AMD lies principally within the field of average adjusting rather than practice in the fields of litigation or arbitration, they may prefer to restrict the activities of the AMD Tribunal to questions that can be determined at leisure in the consideration of the documents submitted. However, the preamble to Article 3.1 is drafted to allow applicants to require hearings if they consider them necessary.
5. It is considered that the principal requirement of applicants seeking the services of the AMD Tribunal is likely to be that its members will be expert in matters within the normal practice of average adjusters, and that they are unlikely to seek in Tribunal members expertise within other disciplines. No provision has therefore been included to allow the appointment of the members of other professions to be members of an AMD Tribunal, save for the reservation of that possibility by the preamble to Article 2.2.

It has nonetheless been considered desirable that AMD Tribunals have, in their deliberations, access to the expertise of other professions. Article 4.5. has been inserted for this purpose.

*Aug. 21, 2012*