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## ARTICLE

### **Expert Determination – The Peter Pan of ADR? Challenges to the Expert Determination Process and Practical Insights for Its Use – *Leigh Duthie***

Expert determination is a process which allows parties to agree to refer disputes or issues to an independent expert for determination. It is only one of a number of different alternative dispute resolution (ADR) choices commercial parties have. Various changes in the ADR landscape have occurred in recent years. In the midst of this evolution of other, competing, ADR mechanisms, has expert determination been left behind? To help answer this question, this paper reviews the reasons parties choose to adopt expert determination, and the state of the law regarding enforceability of determinations, before considering its current utility (and popularity) as a dispute resolution option. Both theoretical and practical views on the use of expert determination as a dispute resolution method are considered, as well as potential challenges to expert determinations and expert determination clauses, and the overall usefulness of expert determination as an ADR option. ....	370
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