Rules of Procedure

Eretz Hemdah-Gazit Network of Rabbinical Courts

English translation

A. Composition of the Beit Din

1. The Beit Din shall sit as a panel of three, except for the exceptions set forth in Chapter B.

2. The panel shall be presided over by the person designated for that purpose by the management of the Beit Din (the "Av Beit Din").

3. The Av Beit Din may hear and decide alone applications for interim orders, temporary orders, and other interim decisions, as well as matters relating to the management of the hearing and matters of order and procedure. The Av Beit Din may authorize another member of the Beit Din to hear and decide such matters.

4. A dayan's decision to disqualify himself or herself or to withdraw from hearing a matter after the first session has commenced requires the approval of one of the Chief Dayanim (Avot Beit Din).

5. A dayan's decision to withdraw from hearing a matter as described above, on the ground of disqualification due to a family relationship under the law, does not require such approval.

6. A dayan who has difficulty continuing to handle the cases assigned to him or her may submit a reasoned request to the Director of the Beit Din to be removed from the panel. After requesting the parties' responses, the Director shall issue a reasoned decision granting or denying the request and, if granted, remove the dayan from the panel or replace him or her with another dayan. The decision may be appealed before three Chief Dayanim (Avot Beit Din), as set forth in Chapter J of these Rules.

B. A Single Dayan

1. The parties may jointly request that their matter be heard by a single dayan, who shall decide it in his discretion, without any right of appeal. If the Av Beit Din approves the request, the matter shall be heard by a single dayan.

2. Even without a request by the parties, the Av Beit Din may decide that a matter be heard by a single dayan if the Av Beit Din considers that there is a special need to do so, or if the matter is a preliminary hearing.

3. In the cases described in this Chapter, all the powers of a panel of three- " motav telata" (meaning a Beit Din composed of three dayanim) shall vest in the single dayan.

C. Filing a Claim

1. A claim shall be filed in three printed copies or by email.

2. The statement of claim shall include:

(a) The claimant's full name, a copy of an identity document (or, in the case of a corporation, its corporate certificate), and address, including postal code; landline and mobile telephone numbers; and an email address or fax number.

(b) The respondent's full name, identity-card number (or, in the case of a corporation, its registration number), and address, including postal code; landline and mobile telephone numbers; and an email address or fax number, if known to the claimant.

(c) The background to the claim. The facts forming the basis of the claim may be set out, and documents supporting the claimant's account may be attached.

(d) The relief sought; and, if the claim seeks payment of money, the amount claimed and the method of its calculation.

(e) The claimant may include in the statement of claim several claims arising from different and separate causes of action, provided that they relate to the same respondents or some of them.

3. The statement of claim shall be signed by the claimant or by the claimant's representative, provided that a power of attorney for the representative is attached.

4. A signed arbitration agreement and payment of the case-opening fee, as determined from time to time and published on the Beit Din's website, shall be attached to the statement of claim. This fee is non-refundable.

5. Once the respondent has signed the arbitration agreement, the claimant shall pay the balance of the fee as published on the Beit Din's website. The parties shall pay additional fees according to the nature of the case, as set forth on the Beit Din's website (https://www.beitdin.org.il/Page/11).

6. The management of the Beit Din shall determine the total fee and may, in its discretion, grant a fee reduction to one or both parties. This decision is not appealable.

7. The management of the Beit Din shall determine the venue of the hearing and decide any dispute between the parties concerning the venue. An appeal from this decision may be brought as set forth in Section J(5) below.

D. Summons

1. The Secretariat of the Beit Din shall receive the statement of claim from the claimant, record the date of receipt on it, and assign a serial number to the case.

2. The Secretariat shall send the respondent the statement of claim, including its attachments and the arbitration agreement signed by the claimant. Service shall be by registered mail with confirmation of delivery, personal service by courier with confirmation of delivery, or email with confirmation of receipt.

3. The respondent shall be asked to respond to the Secretariat's communication within 14 days. The Av Beit Din may order that the response period be shortened or extended.

4. Once the respondent has signed an arbitration agreement, the respondent may file a statement of defense and attach a counterclaim, even if the counterclaim arises from different causes of action or different facts than those set forth in the statement of claim. The fee for a counterclaim is set forth on the Beit Din's website. The counterclaim shall be sent to the opposing party for a response.

5. The Beit Din may decide that the counterclaim shall be heard in a separate proceeding.

6. Every summons (after the statement of claim has been sent) and every decision of the Beit Din shall be sent to the persons concerned by one of the methods set forth in Section D(2), or by any other method the Beit Din deems appropriate, including email or fax.

7. If there is a dispute as to whether the respondent must sign an arbitration agreement, and whenever necessary, a preliminary hearing shall be held with the parties' consent.

E. Signing an Arbitration Agreement

1. At the first session, the Beit Din shall determine whether an arbitration agreement has been signed. Any change to the wording of the arbitration agreement, even if made with the parties' consent, requires the Beit Din's approval.

2. If the parties designated the Beit Din in advance in an agreement as their agreed arbitrator but did not sign a detailed arbitration agreement, the Beit Din shall decide in the manner it considers most effective for a just and speedy resolution of the dispute, and shall decide to the best of its judgment on the basis of the material before it. The Beit Din shall not be bound by substantive law, the rules of evidence, substantive rules of procedure, or the time limits set forth in the Arbitration Law.

F. Conduct of the Hearing

1. The management of the hearing, as well as the maintenance of order and discipline during sessions, shall be the responsibility of the Av Beit Din.

2. The hearing shall proceed in the following order:

(a) The claims of the claimant and the respondent.

(b) Testimony and evidence.

(c) If necessary, the parties shall submit closing arguments orally or in writing, as directed by the Beit Din.

(d) If the Beit Din orders written closing arguments, the claimant shall submit arguments first and the respondent thereafter, or both parties shall submit their arguments simultaneously, as directed by the Beit Din.

3. During the session, a summary of the statements of the parties and witnesses shall be recorded in minutes or by another means, and the record shall be provided to the parties by mail or email.

4. After a hearing held in the presence of the parties:

(a) The Beit Din may obtain written clarifications, additional evidence, and supplemental arguments from the parties, at the Beit Din's request or at a party's request, and may decide on the basis of them in its discretion.

(b) Copies of the Beit Din's request and the parties' responses shall also be provided to the opposing party, who shall be given an opportunity to respond in writing within a period set by the Beit Din.

(c) The Beit Din shall decide in its discretion whether a further session in the presence of the parties is warranted.

G. Expert Opinion

1. If resolution of the dispute involves a matter requiring expertise, the Beit Din may, at any stage of the hearing and after giving the parties a proper opportunity to present their arguments, direct that the matter be referred for the opinion of an expert to be appointed by the Beit Din.

2. As a rule, one expert shall be appointed, unless the Beit Din decides otherwise.

3. The Beit Din shall determine whether an inspection by the expert is necessary and who shall be present at the inspection. As a rule, all parties to the dispute shall be invited to the inspection, unless the Beit Din decides otherwise.

4. The expert's opinion shall be provided to the parties for comment.

5. As a rule, the parties shall comment on the expert's opinion in writing. However, the parties may ask to cross-examine the expert at a session of the Beit Din.

6. The parties may present evidence or prove by any means that the Beit Din's expert erred in his opinion.

7. As a rule, the expert's fee shall be paid equally by the parties in advance, unless the Beit Din directs otherwise. In its judgment, the Beit Din shall make a final decision as to how the expert's cost is to be allocated.

8. The Beit Din may decline to accept the expert's opinion, in whole or in part. In that event, it shall give reasons for its decision.

H. Judgment

1. Every judgment shall include:

(a) A summary of the parties' arguments.

(b) The facts material to the judgment.

(c) The reasons for the decision.

(d) The Beit Din's determination.

(e) The party or parties responsible for legal costs and the representative's fees, and the amounts thereof.

2. The requirements in subsections (a) through (c) above shall not apply when the parties have released the Beit Din from the obligation to give reasons for its judgment.

3. A judgment shall be signed by all dayanim who sat on the case. If the judgment is rendered by majority opinion, this shall be stated in the judgment.

4. A copy of the judgment shall be sent to the parties by email or similar means.

I. Temporary Relief

1. Application for temporary relief before the parties sign an arbitration agreement

(a) If an application for temporary relief is filed and the respondent has not signed an arbitration agreement, the Beit Din may urgently ask the respondent to sign an arbitration agreement immediately.

(b) Until all parties have signed an arbitration agreement, the Beit Din shall not grant temporary relief.

2. Application for temporary relief after the parties sign an arbitration agreement

(a) If an application for temporary relief is filed after the parties have signed an arbitration agreement, the Beit Din may grant the relief sought if it is satisfied that the relief is necessary to prevent harm to the applicant.

(b) The Beit Din may grant any temporary relief necessary to secure enforcement of its judgment at the time the judgment is rendered or thereafter. An application for temporary relief may be made orally.

3. Hearing of the application

(a) An application for temporary relief shall be heard in the presence of both parties. However, the Beit Din may issue an order ex parte if, on the basis of prima facie reliable evidence, it is satisfied that there is a reasonable concern that the delay caused by holding a hearing in the presence of the parties would frustrate issuance of the order or cause the applicant serious harm.

(b) Notwithstanding subsection (I 3 a), applications for a temporary attachment order or an order restricting the use of property shall be heard ex parte, unless the Beit Din is satisfied that holding a hearing in the presence of the parties would not frustrate issuance of the order.

4. Orders issued ex parte

(a) If an order is issued ex parte, the Beit Din shall hold a hearing in the presence of the parties as soon as possible.

(b) The applicant shall personally serve the respondent with a copy of the order, the application, and the documents attached to it within three days, unless, for special reasons to be recorded, the Beit Din sets a

later date. At the request of the holder, the Beit Din shall direct the applicant to provide the holder, as soon as possible, with a copy of the application and the documents attached to it.

5. Application to the competent court

In any case where enforcement of the temporary order requires the involvement of a third party, including a private individual, a competent government authority, or the like, the applicant shall present the temporary order to the competent court pursuant to Section 16(a)(5) of the Arbitration Law, 5728-1968.

6. Reconsideration

(a) The Beit Din may review a temporary order at any time if it finds that reconsideration is justified by changed circumstances or new facts discovered since the order was issued, or if it finds that there was no justification for issuing the order in the first place.

(b) Upon reconsideration, the Beit Din may affirm, vary, or set aside the decision under review, or issue another decision in its place. Among other things, the Beit Din may direct that the temporary order shall expire if the respondent deposits a specified amount as security or provides other sufficient security to ensure enforcement of the judgment.

7. Expiration of temporary relief

Temporary relief shall expire:

(a) Upon dismissal of the action, upon enforcement of the arbitral award, or at the end of the period specified in the order, whichever occurs first.

(b) If the temporary order was issued ex parte, other than a temporary injunction, and was not personally served on the respondent as provided in Rule I(4)(b), unless the Beit Din decides otherwise for special reasons to be recorded.

(c) Upon its revocation by the Beit Din, whether at the time of judgment, before judgment, or after judgment.

8. Sanctions

If a party violates the provisions of a temporary order for a reason attributable to that party, the Beit Din may, at the request of the other party, take one or more of the following measures:

(a) Order the violating party to pay costs to the other party.

(b) Dismiss the action if the violating party is the claimant; or grant the action without a defense from the respondent if the violating party is the respondent.

J. Appeal

1. The parties shall have the right to appeal a judgment or decision of the Beit Din in accordance with these Rules, unless they have waived that right by written agreement or by oral agreement recorded in the minutes of the Beit Din.

2. An appeal from a judgment of the Beit Din shall be heard by one of the Chief Dayanim (Avot Beit Din) who did not sit on the case.

3. The Av Beit Din hearing the appeal may, in his or her discretion, expand the panel to three or more dayanim.

4. An appeal may be brought only on the following grounds:

(a) An error in halakha.

(b) An apparent error in the exercise of discretion or in the determination of facts.

(c) A material defect in the conduct of the hearing that affected its outcome.

5. An appeal from a temporary decision, an interim decision, or any other decision relating to the management of the proceeding shall also be heard in the manner set forth above.

6. Time limits for filing an appeal and a response to an appeal:

(a) The court of first instance shall set a deadline for filing an appeal.

(b) In the absence of an express decision, an appeal shall be filed within 30 days from the earlier of: receipt of the judgment by mail; or receipt by email of a copy of the judgment, even if unsigned. An appeal under Section J(5) shall be filed within seven days from the date of the decision.

(c) The appeal submissions shall be sent to the opposing party, who shall respond to the appeal within 14 days.

(d) If one party files an appeal, the opposing party may file a cross-appeal within 14 days, even if the period set forth in subsection (a) has expired. If a cross-appeal is filed, the appellant may respond to it within 14 days from the date it is filed.

(e) The management of the Beit Din may grant additional extensions beyond those set forth in this Chapter. A decision granting or denying an application for an extension is not appealable.

7. In the event of a partial judgment, the court of first instance may set a deadline of 30 days from the date of the partial judgment for filing an appeal, even before the entire proceeding has been completed. After that, no appeal may be brought from the partial judgment.

8. An appeal shall be filed in writing, and the appellant shall set forth the grounds that, in the appellant's view, could warrant setting aside or varying the judgment under appeal. The appellate decision may be issued solely on the basis of the written appeal application.

9. A decision on appeal shall include concise reasons and may include an order requiring the parties to pay legal costs.

10. Notwithstanding Section J(1) above, even if the parties have waived the right of appeal, one of the Chief Dayanim may entertain the appeal if, in his opinion, the case involves an apparent error in halakha or in the exercise of discretion with serious consequences, or a serious defect in the conduct of the proceeding.

11. The panel hearing the appeal may decide to hold a hearing in the presence of the parties or to decide the appeal without such a hearing, on the basis of the appeal application and the opposing party's response.

12. Powers of the appellate Beit Din:

(a) The appellate Beit Din may vary, correct, and supplement the judgment of the court of first instance.

(b) The appellate Beit Din may request clarifications from the court of first instance regarding its decisions and judgment. The questions and answers shall be in writing and provided to the parties for review.

(c) The appellate Beit Din may decide additional matters not raised in the appeal submissions, but before doing so it shall request the parties' positions.

(d) The appellate Beit Din may also decide matters that were not heard by the court of first instance.

(e) The appellate Beit Din may remand the case, in whole or in part, to the court of first instance.

13. No appeal may be brought from decisions of the appellate Beit Din.

K. General Provisions

1. Every application shall be submitted to the Secretariat of the Beit Din in typed form, except where the Av Beit Din has approved its submission in handwriting.

2. The Beit Din may, in its discretion, depart from the Rules of Procedure in order to bring about a just and speedy resolution of the dispute.

3. On any matter of procedure not governed by these Rules, the Beit Din shall act in its discretion for the efficient conduct of the hearing and the administration of justice.

4. The parties and the Beit Din shall maintain the confidentiality of the hearings and all documents submitted as part of the proceedings. However, the management of the Beit Din may provide information requested by government authorities pursuant to law, as well as the names of the parties and receipts issued for payment of fees. The Beit Din may also publish the judgment after making an effort to omit the names of the parties.

*In the event of any discrepancy or inconsistency between the Hebrew version and this English translation, the Hebrew version shall prevail.