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Increasing diversity -

Melanie Willems on the need for more women in arbitration

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Jeffrey Elkinson

LEADER

WELCOME TO THE SPRING ISSUE of *The Resolver*. In this issue we examine arbitration in the oil and gas sector (page 6) and discuss non-lawyer participation in ADR (page 8). Our cover feature takes an in-depth look at women in ADR (page 10). You can also catch up on all our regular features, including the Law Round-Up (page 9), My Toughest Dispute - not mine personally; that's for another day - (page 16) and CIArb news (page 15).

One of the excellent initiatives that is presently being undertaken by the Institute is the collaboration with the University of Glamorgan that will be offering a Masters of Science Degree in Construction and Property Disputes. The collaboration means that those who are successful in the degree will also have covered the topics that lead to Fellowship of the Institute. The university is offering a great programme, using cutting-edge software, with assessments that are completed online, providing instant feedback to students. Well done to the Welsh Branch for this initiative, and hopefully we can explore further whether some of this software can be introduced into the courses that the Institute and the branches offer.

"I look forward to welcoming the new Director General and to working together"

By the time this edition of *The Resolver* is published, the Institute's new Director General, Anthony Abrahams TD DL MBA, will be engaged in his role. Congratulations to him on his appointment. I look forward to welcoming him on behalf of the membership and to working together as we maintain the Institute's rightful place as the gold standard of education in ADR and as an arbitral body of world standing.

Members attending the ICCA Congress in Singapore in June are invited to attend a CIArb Grand High Tea Reception on Sunday 10 June, organised and hosted by the Singapore Branch.

Finally, may I take this opportunity to remind you of our Annual General Meeting being held at 12 Bloomsbury Square on Thursday 17 May. It will be followed by the 2nd Annual Roebuck Lecture and our guest speaker this year will be Dr Michael O'Reilly.

Jeffrey Elkinson AM FCIArb
President of CIArb

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6.25% The increase in the average fee rate paid to expert witnesses between 2009 and 2011
Source: UK Register of Expert Witnesses biannual survey 2011

Tailor arbitration to meet Sharia rules

Disputes involving matters of Islamic law require adjustments in dispute process

The assets of the Islamic finance sector are expected to grow to $1.8 trillion (£1.1 trillion) in the next four years, according to a report by Deutsche Bank.

As a result, understanding the Sharia law governing Islamic financial transactions has grown in importance for arbitrators, *writes Minas Khatchadourian, Secretary General of the Qatar International Center for Arbitration*.

The sector, which experiences 20 per cent growth a year, is thought to be gaining in popularity due to western banks looking for alternative sources of funding.

In one high-profile example, Goldman Sachs is looking to create an Islamic bond (sukuk) worth $2 billion (£1.3 billion). The plan has raised questions in relation to its compliance with Sharia law.

Several western countries use Islamic finance agreements such as loan (kard), finance by way of trust (mudaraba), finance by way of partnership (musharaka), cost-plus financing (murabaha) and lease (ijara).

Such contracts must follow the Islamic law principles originating from the following four sources: the Koran (Holy Book), the Sunna (the acts and sayings of the Prophet), the Idjma's (consensus of opinion) and the Qiyas (reasoning by analogy).

ISTOCK

Arbitrators increasingly need to understand Islamic financial principles

A distinction is sometimes drawn between Sharia-based financial products, which observe principles in substance, and Sharia-compliant financial products, which mimic their conventional counterparts by making cosmetic changes to satisfy Sharia sensitivities.

Repeated instances of Islamic finance litigation in the civil courts has called for the necessity of an Islamic framework tailored for the resolution of such disputes, which includes the use of arbitration (tah-kim) with some adjustments.

Some arbitration centres, such as Kuala Lumpur Regional Centre for Arbitration (KLRCA), undertake Islamic arbitration. Under Malaysia's Central Bank Act, the Sharia Advisory Council legislative authority controls Islamic transactions concluded by the commercial banks with their clients. Its rulings are binding for any national court or arbitral tribunal in any proceedings when any question arises concerning a Sharia matter.

Making Islamic arbitration work efficiently requires a number of measures to be taken:

- Inserting a valid arbitration clause in the contract stating that: "Any dispute arising from Islamic banking business, capital market products or services or any other transaction that is based on Sharia principles shall be decided by the rules of Islamic arbitration."
- Ensuring that the arbitral tribunal comprises a scholar of Islamic law to instruct other members about the dispute, or to have an advisory council to whom the arbitrator, when having to form an opinion on a point related to Sharia principles, shall refer to for its final and binding decision.
- Using a combined law system with a governing law clause that pairs a national law with the Islamic principles, such as choosing English law subject to Sharia rules.

● *As most of the major players in the Islamic finance market are parties to the New York Convention, such as UAE, Malaysia, Qatar, Philippines, Kuwait and Bahrain, awards rendered in these countries or elsewhere hopefully will be recognised and enforced efficiently without difficulties.*

UK tax office launches an alternative dispute resolution service for SMEs

The UK government's tax department has launched a new alternative dispute resolution (ADR) service for dealing with disputes with SMEs.

HM Revenue and Customs (HMRC) is piloting the scheme in North Wales and the North West following a successful trial last year where 60 per cent of disputes were either fully or partially resolved using ADR techniques.

Under the scheme, independent HMRC facilitators will aim to resolve disputes between HMRC and customers during a compliance check. It is hoped it will provide a fair, quick outcome for both parties, helping to reduce costs and avoid a tribunal.

Jim Stevenson, HMRC's Assistant Director, Local Compliance, said: "ADR will help SMEs resolve disputes without having to go to a tribunal - saving them both time and money. It is a good opportunity for HMRC to work together with our customers to potentially resolve disputes much earlier than at present."

He added: "We have found that often there are communication problems. The HMRC facilitator will help all parties reach a shared and full understanding of the disputed facts and arguments. They will also explain what each side is trying to say to the other. The aim is to resolve the dispute or, if not, as many issues as possible."

The scheme does not affect existing processes or review and appeal rights, and covers both Value Added Tax and direct taxes.

"More hands-on case management was required than for the average arbitration"

→ See my toughest dispute, by Robert Rice ACIArb, on page 16

Arbitrators urged to consider Scotland for dispute resolution

The Chairman of the Scottish Arbitration Centre has encouraged arbitrators to consider Scotland as the 'natural alternative' to London when a 'home turf conflict prevents London being chosen as the seat of arbitration'.

Speaking at the London launch of the centre in January, Brandon Malone offered London practitioners three good reasons to change from longer established centres to the new centre in Scotland: "Proximity, familiarity, and personality."

The Scottish courts have made clear that English cases can be used to interpret the new Scottish Act, which itself is based on the existing English legislation.

At the launch, the Rt Hon David Mundell MP, Parliamentary Under Secretary of State at the Scotland Office, said: "There are good reasons for companies from Scotland, the UK and further afield to resolve their disputes in Scotland - an effective and innovative arbitration regime and cost-effective solutions head the list."

Left to right: Brandon Malone MCIArb, Chairman of the Board of the Centre; the Rt Hon David Mundell MP, Parliamentary Under Secretary of State at the Scotland Office; Andrew Mackenzie, Chief Executive of the Centre

Mundell highlighted that the cost of arbitration in Scotland is believed to be around two-fifths of London or New York.

He added: "Our mature legal system backs up arbitration, with judges who understand the significance of supporting the arbitral process. And the centre's business focus on the energy sector, both in the established oil and gas industry and the developing field of renewables, means that the impacts of Scottish arbitration will be felt across Scotland and beyond."

Court of Arbitration for Sport begins Olympics case

The Court of Arbitration for Sport (CAS) has begun its case into lifetime Olympic bans for British athletes who fail drugs tests.

According to a British Olympic Association (BOA) by-law, sportspeople charged with doping violations are banned from the Olympic team.

The ongoing dispute between the BOA and the World Anti-Doping Agency (Wada) is based on the BOA arguing that the by-law is part of its selection criteria for membership of Team GB. But Wada claims the rule contravenes its own anti-doping code by providing an extra sanction for athletes.

Last year the CAS ruled that the International Olympic Committee's rule that those banned for doping offences for six months or more should miss the next Olympics was unenforceable because it provided an additional penalty to Wada's sanction of a maximum two-year ban for doping offences.

Italy sees huge increase in demand for mediation

Italy has seen a rise in applications for mediation since the enactment in 2010 of the EU Mediation Directive of 2008 (Directive) and the introduction of mandatory mediation, *writes Giovanni De Berti FCIArb, founding partner, De Berti Jacchia Franchini Forlani*.

More than 60,000 applications were made between March and December 2011. At the end of last year, mediation bodies numbered 749, up from 37 in 2008, when the Directive was published.

Its aim was to drastically reduce the enormous backlog of cases pending before the Italian courts.

However, the obligation is on the prospective plaintiff - the prospective defendant has no duty to appear in mediation, and often does not. In the nine months to the end of 2011, only 38 per cent of respondents appeared before the mediator. When the respondent was present, 52 per cent of mediations had a positive outcome.

The sudden expansion in the number of institutions could create problems of quality control by ministerial officers and of accurate selection by end users.

Reactions to mandatory mediation have been varied in Italy. Business circles and institutions have reacted very favourably, seeing mediation as an indispensable instrument to reduce court litigation.

Lawyers staged heated protests, denouncing the absence of provisions requesting the presence of lawyers in mediation as a lack of protection for the weaker or less informed party, despite the fact that in 85 per cent of mediations lawyers assisted both parties.

The attitude of the Italian judiciary is still uncertain. Even before the enactment of the mediation law, some Italian courts had launched projects of court-induced mediation with a degree of success. However, many judges appear to have reservations about mediation, fearing it would not protect the weaker party and would induce parties to forsake their rights. At the moment, only 2 per cent of mediations have been court-induced.

The attitude of the courts will be crucial - experience in other countries shows that mediation succeeds only when the courts promote it vigorously, even to the point of making mediation de facto mandatory.

In light of a high-profile case involving Exxon Mobil and Venezuela, Ben Holland and Nicolas Bellfort discuss the oil and gas sector

Energising arbitration

RECURRING DOMESTIC political instability has prevented Venezuela's national oil company Petroleos de Venezuela S.A. (PdVSA) from managing its oil and gas reserves – some of the largest in Latin America – efficiently and from implementing coherent long-term energy strategies.

In response to a lack of access to capital in the 1990s, PdVSA launched a policy of "apertura petrolera" or "petroleum opening", which aimed to increase the involvement of foreign companies in Venezuela's hydrocarbons sector.

The partial privatisation of the country's essential hydrocarbons wealth followed. When this failed to translate into improved benefits for ordinary Venezuelans, the political repercussions encouraged President Hugo Chavez to enact the 2001 Hydrocarbon Law, increasing extraction and income taxes.

Chavez's policies led in 2007 to foreign enterprises operating in upstream activities being forced to convert into mixed ownership companies with the majority share owned by a state company – effectively an expropriator.

The majority of the oil companies involved in Venezuela's Orinoco Oil Belt negotiated compensation for their expropriated share. However, similar negotiations between Exxon Mobil and PdVSA, in relation to their 1997 agreement for the production of extra-heavy crude oil in the Orinoco Oil Belt (the Cerro Negro Agreement), failed and the matter was taken to dispute resolution.

Disputes arising under international upstream exploration and production contracts are common. The underlying investment is regularly made under a multi-million or multi-billion dollar long-term agreement.

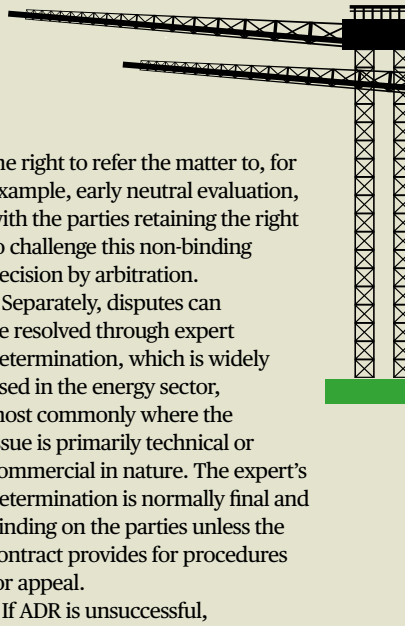
Technologically complex endeavours are undertaken involving many parties from around the world, in a hazardous environment often in territories where investment security is uncertain.

The long-term nature of the contractual relationship is important. The oil and gas sector also holds many participants that will have worked together in the past and will likely work together in the future in some unrelated hydrocarbon field.

For this reason, the parties often accept within the dispute resolution provisions an obligation to attempt to resolve disputes informally by good faith negotiations. If unsuccessful, the parties often agree in advance to engage in one or more forms of non-binding ADR, most commonly mediation or conciliation.

Multi-tiered dispute resolution clauses are often found where, in the event of a dispute, the parties agree to negotiate in good faith, but if the negotiations fail, a party has the right to refer the matter to, for example, early neutral evaluation, with the parties retaining the right to challenge this non-binding decision by arbitration.

"There has been a spate of recent cases where annulment has been granted"



Separately, disputes can be resolved through expert determination, which is widely used in the energy sector, most commonly where the issue is primarily technical or commercial in nature. The expert's determination is normally final and binding on the parties unless the contract provides for procedures for appeal.

If ADR is unsuccessful, international upstream exploration and production contracts will usually provide for the matter to be arbitrated. Given the likely international composition of the parties, the possible involvement of state-owned companies and the often confidential nature of the information exchanged between the parties, resolving disputes through litigation in one country's courts is often unacceptable or undesirable. This is due to concerns that one party will not receive a fair hearing. Enforcement is also a regular concern. Commonly, the assets in dispute will normally be located in a 'hostile' jurisdiction, and a party may fear that the national court may be unwilling

IMAGE: ISTOCK

for political reasons to enforce an award against a company that may be a national champion.

The dispute between Exxon and Venezuela was one that the parties were unable to resolve amicably. It was not a technical matter suitable for resolution by expert determination. Given that it was a complex contract and that the Bilateral Investment Treaty (BIT) had specified arbitration in case of any dispute, international arbitration was by far the most practical forum for addressing these contractual and international public law issues.

Exxon launched two sets of international arbitration proceedings: ICC arbitration under the Cerro Negro Agreement dispute resolution clause; and an arbitration under the dispute resolution clause of the BIT between Venezuela and the Netherlands, calling for arbitration under the jurisdiction and rules of the International Centre for the Settlement of Investment Disputes (ICSID).

As there is no rule prohibiting a party from seeking redress under both systems, the award to Exxon Mobil of US$907m (£579m) by the ICC tribunal on 30 December 2011 may not prevent the ICSID tribunal awarding the remainder of the US$7 billion (£4.5 billion) claimed following its mid-February 2012 hearing.

Where both contractual and treaty claims are available, the decision to begin international arbitration is only the beginning of the thought process. Claimants will have to carefully weigh which arbitration forum offers the most appropriate route to a remedy for contractual claims. If the alleged wrongful acts are only contractual in nature then it is likely that the contract's dispute resolution clause should apply; a tribunal in a treaty arbitration is more likely to decline jurisdiction over these contractual claims. However, where the wrongful acts are respectively contractual breaches and breaches of treaty, a party may argue that the terms of the applicable BIT allows redress for not only claims for breach of the treaty, but also for breaches of contract under the treaty's dispute resolution clause (often where the BIT contains an 'umbrella' clause).

Jurisdictional challenges are an almost inevitable feature of investment treaty disputes arising under international upstream exploration and production contracts. The threat of such challenges in arbitrations involving the Venezuelan state has been increased as a result of Venezuela's announcement that it was denouncing its membership of ICSID in January and was intending to renegotiate its BITs. These events are significant for parties that have actionable ICSID claims and present their claims before 25 July 2012, and for those parties whose claims may arise after that date.

Venezuela's approach of seeking to revise its BITs in conjunction with its denunciation is likely an attempt to guard against future claims by amending all BITs to which it is a party and which call for ICSID arbitration (but attention will need to be given to 'survival' clauses applying the effect of certain BITs' provisions for up to 20 years following termination).

Assuming any jurisdictional challenges are overcome, and the matter proceeds to an arbitral award, enforcement of the award will be a critical consideration for disputes under international upstream exploration and production contracts.

Depending on where a commercial arbitral award is made, it will likely be enforceable by the courts of any country that is a signatory to the New York Convention. In contrast, an award made by an ICSID tribunal may only be brought for review by an annulment committee of the ICSID.

Although these grounds are limited, there has been a spate of recent cases where annulment has been granted, often due to perceived defects in the composition of the arbitral tribunal.

As most of Venezuela's assets overseas are held indirectly through companies owned by the state (eg Citgo), Venezuela may argue that any overseas assets are not held by itself directly, but by companies in which it has a shareholding. In such circumstances, a company's ability to enforce will depend on the corporate laws of the place of enforcement permitting the veil of incorporation to be lifted; this cannot be taken for granted. ■

Ben Holland is a Partner and **Nicolas Bellfort** an Associate, at CMS Cameron McKenna

James Nelson

Has the provision of arbitration for commercial disputes been monopolised by legal professionals to the detriment of fulfilling its mission as a cost-effective and efficient means of dispute resolution?

TRADITIONALLY, ARBITRATION has been goal-oriented and the process, to the extent that is defined, services that end. However, it seems that conferences and publications dealing with arbitration are becoming increasingly dominated by legal professionals (lawyers, attorneys, solicitors, barristers and judges). As a result, their content now focuses on 'legal procedure', including scope of discovery and the minutiae of the rules of evidence.

While such an emphasis is part and parcel of the training of lawyers, application of procedural subtleties risks impairing the value of arbitration to its users. With the dominance of legal professionals, especially those whose practice is primarily litigation, there is a tendency for arbitration to resemble the formality of litigation with cumbersome 'due process' issues and elaborate rules of evidence.

Much of the formality of the traditional judicial system, which was necessary for the protection of civil rights in criminal cases, is not necessarily appropriate for arbitration.

Two areas need studying – the arbitration process and the background and training of arbitrators.

First, it would be useful to understand the extent to which the mechanisms and procedures are interfering with the speed and costs of arbitration. This problem appears to have been recognised by several of the arbitral institutions through their adoption of 'speedy' procedures. This, of course, goes directly to the supposed advantages of arbitration over litigation.

It is useful to analyse the effect of using the International Bar Association rules of taking evidence in international arbitration as opposed to the traditional and complex rules of evidence existing in common law. Much work has been done in this area by administrating providers. CIArb would be the ideal organisation to consolidate these studies.

While no one denies that knowledge of basic contract and arbitration law is essential, is it necessary for an arbitrator to have a legal background?

Second, while no one denies that knowledge of basic contract concepts and arbitration laws and treaties is essential, is it necessary for an arbitrator to have a legal or litigation background?

Perhaps such a background may be detrimental to the provision of effective dispute resolution. In commercial arbitration, experience of the business concepts, knowledge of the subject matter of the dispute, and business practices (especially in the international arena) may be far more important requirements than a litigation background. Engineers, architects, accountants, medical doctors, dentists, surveyors, logistics experts, sales and marketing professionals and human resources directors should all be sought out and trained to be available as neutrals to the arbitration process. In-house counsel whose practice is focused on transactions would be especially valuable additions to arbitration panels.

Ideally, the model of arbitration is a tribunal where resolution of the controversy revolves around knowledge of the subject matter. The judicial model, however, is where the tribunal only knows the law and procedure, and little, if anything, about the subject matter. The result of the judicial model is to burden the arbitration process with the provision of extensive expert testimony. A goal of arbitration should be to minimise this burden on the dispute resolution process.

CIArb, through its individual members and branches, should conduct a self-examination of its recruitment, membership and training to ensure the arbitration process maintains its goal-oriented focus. New methods of recruitment and training should be developed to permit and encourage non-legal professionals to become arbitrators. This is essential for the maintenance of the profession and to promote the future of arbitration. ■

● *See the results of our online poll 'Is a legal background and/or experience essential for becoming an arbitrator', page 15.*

ONLINE

Join the debate at
➜ www.ciarb.org/forum

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THEA BRINE

APPARENT BIAS AND OBLIGATION TO DISCLOSE

THE CASE | *A & Ors v B & Anor [2011] EWHC 2345 (Comm)*

● ARBITRATION

A & OTHERS (THE CLAIMANTS) entered into a share sale and purchase agreement (SPA) with B (the defendant). A dispute arose between the parties and the defendant started LCIA arbitration against the claimants alleging breaches of the SPA.

The parties agreed on the appointment of a sole arbitrator with appropriate financial law experience. Both parties appointed Mr X (X) as sole arbitrator. X signed a statement of independence as required by the LCIA rules. He had, in the past, received instructions as counsel from both the claimant's and the defendant's solicitors. Neither the clients nor the dispute in these cases had any connection with either of the parties to the present arbitration. While hearing the arbitration and considering his award, X realised that he was by then actively involved, as counsel, in another piece of litigation for one of the firms of solicitors who were acting in the arbitration. Before completing and issuing his award, X wrote to the parties to disclose that he was acting in a matter wholly unconnected with the arbitration in which the defendant's solicitors were acting as his instructing solicitors. It did not provoke any adverse response from the claimants' solicitors. In the award, however, although some issues were decided in favour of the claimants, one crucial issue was decided in favour of the defendants, who were accordingly the successful party. The claimants made an application to remove X and to challenge the partial award for serious irregularity under sections 24(1)(a) and 68(1) of the Arbitration Act 1996.

There was no irregularity through the late disclosure of the arbitrator's involvement in the other case

● THE JUDGMENT

The court decided that the fair-minded observer would not have considered that just because the arbitrator acted as counsel for one of the firms of solicitors acting in the arbitration, whether in the past or simultaneously with the arbitration, there was a real possibility of apparent bias. Flaux J also found that there was no irregularity through the late disclosure of the arbitrator's involvement in the other case. The court therefore dismissed the application to remove the arbitrator and set aside the award.

● WHAT IT MEANS

This case provides guidance as to the question of the arbitrator's impartiality in those cases where he has either acted, or is acting as, counsel instructed by one or other of the firms of solicitors involved in the arbitration. It also considers the relationship between apparent bias and the obligation on an arbitrator to disclose to the parties where there is a real possibility of bias.

Full judgment available at:
➔ www.bailii.org/ew/cases/EWHC/Comm/2011/2345.html

COURT DISCRETION TO ENFORCE DECLARATORY AWARDS

THE CASE | *West Tankers Inc v Allianz SPA & Anor [2012] EWCA Civ 27*

● ARBITRATION

THE COURT WAS ASKED TO consider whether there is power under section 66 of the Arbitration Act 1996 to order judgment to be entered in the terms of an arbitral award containing a declaration that the successful party has no legal liability to the other party in respect of the subject matter of the arbitration.

The underlying dispute was between the insurers of voyage charterers of the vessel 'Front Comor' and the vessel's owners, concerning responsibility for a collision during the voyage charter. The insurers were subrogated to any claims of the charterers against the owners. The arbitrators appointed under the charter party found that, in accordance with the terms of the charter party, the owners had contractual immunity from responsibility to the charterers for the damage, and that the owners were under no liability to the charterers' insurers in respect of the collision. The owners applied to the English Court to enforce the award pursuant to section 66(1) of the Arbitration Act, and permission was given by Simon J to enter judgment in terms of the award. An application by the insurers to set aside the order of Simon J was dismissed, in a later judgment (See *The Resolver*, August 2011, p9) by Field J, but he gave the insurers leave to appeal.

● THE JUDGMENT

On appeal, the court found that, in this case, the owners wanted to enforce a declaratory award through Res Judicata. For that purpose, they sought to have the award entered as a judgment. The court held that the language of section 66 is permissive and concluded that it was empowered to determine whether it was appropriate to enter a judgment in the terms of the award. The insurers did not challenge the propriety of the exercise of the judge's jurisdiction and their argument was limited to contending that Simon J had no jurisdiction to make an order under section 66. The appeal was, therefore, dismissed.

● WHAT IT MEANS

Section 66(1) Arbitration Act gives the court discretion to enter a judgment in the terms of the award. It does not involve an administrative rubber-stamping exercise, but it is a good example of the powers of the court in support of arbitration. English courts may give force to an arbitral award by a number of means and, in doing so, they may give leave for judgment to be entered in terms of an award for a declaration that a party has no legal liability.

Both reports by **Tony Marks** FCIArb, Director of Legal Services and **Julio César Betancourt** MCIArb, Head of Research and Academic Affairs at CIArb

Full judgment available at:
➔ www.bailii.org/ew/cases/EWCA/Civ/2012/27.html

With women hugely under-represented in ADR, its institutions have a key role to play in ensuring greater diversity in appointments, according to international arbitrator Melanie Willems FCIArb, and a number of her peers

Redressing the balance

By Jill Evans
Photography: Peter Searle

IMAGINE YOU'RE CASTING THE lead role in the most important movie of your career. Your own and other's livelihoods depend on its success. Do you pick the untried actor who you've heard is good, or the tried and tested star performer? Actors know the answer to this one only too well.

When appointing an arbitrator or mediator, the parties to a dispute don't take chances either. They pick a dispute resolver who has a host of similar roles behind them, and this has led to the top of the arbitration profession being dominated by men.

Women are becoming more involved in ADR, although hitherto the majority have been in training and administrative roles. Since 2009, the number of women joining CIArb has doubled, from around 50 to 100 each year. Women account for about 14 per cent of CIArb's membership; there are currently 1,809 women out of a total of 12,501 members. Of those that have expressed an interest in a specific discipline of ADR, around a quarter have an interest in arbitration, slightly fewer in mediation, and a much smaller proportion in adjudication. Nearly half (40 per cent) of female arbitrators are interested in international arbitration.

This is potentially a fruitful area of work for female arbitrators. Melanie Willems FCIArb is a law firm litigator and international arbitrator based in London. She thinks the amount of arbitration work now stemming from the Far East and the former Soviet republics, often involving arbitrator appointments by the arbitration institutions, could provide "an open door for the selection of women as arbitrators".

However, women arbitrators are conspicuous by their absence in international investment treaty arbitration. In a recently published paper (*Perspectives*, The Vale Columbia Center on Sustainable International Investment) York University, Toronto, law professor Gus Van Harten says that of the 631 appointments in 249 known cases up to May 2010, only 41 were women - 6.5 per cent. Most of those (75 per cent) went to two arbitrators, Gabrielle Kaufmann-Kohler and Brigitte Stern.

The two most frequently appointed men only accounted for 5 per cent of male appointees. The lack of women in this context is important, says Van Harten, "not because women would necessarily make different choices to men, but because arbitrators who make decisions of public importance should reflect the make-up of those affected by their decisions".

> **"Arbitrators should reflect the make-up of those affected by their decisions"**

Willems says: "The way to change things is through the institutions - for people who are in a position to appoint outside the usual list to take a chance occasionally when they have the opportunity. We need to hold the institutions to account on appointments and on the composition of panels, and ask them where the women are on their lists."

"I would be very interested to know how many women are practising as full-time arbitrators, and how many appointments the ICC, LCIA and ICSID are making a year. If the institutions do appoint a woman, it's one woman getting appointed six times. That doesn't reflect any kind of diversity."

The small proportion of women currently getting to the top in ADR seems to have a parallel in law firms. Recent research from legal recruiters Laurence Simons shows only 16 per cent of partners in the UK's Magic Circle law firms are women, but this, along with the Netherlands, is the highest proportion in Europe. Two-thirds of the female lawyers in the survey stated gender as a barrier to their success.

"In the law there are all sorts of workplace practices that lead to high attrition rates and not enough women in the pipeline," says Fiona Woolf, consultant at CMS Cameron McKenna, and former President of the Law Society of England and Wales. "I'm not sure what we should be doing about [the shortage of women] in ADR," she says. "I tend not to think there is active or passive discrimination as such."

CIArb past president and Chartered Arbitrator Hew Dundas FCIArb thinks the male:female ratio in CIArb membership has remained virtually constant at all levels up to Chartered Arbitrator - unlike law firms, where high attrition rates keep women's numbers low at the top, but more equal with men at the bottom. He also points out that CIArb has had two female presidents since 2000, and the Worshipful Company of Arbitrators two lady masters - "one of the very few livery companies to do so", he says.

He's not convinced about bias in arbitrator appointments either. "In my time as President, I don't recall ever thinking about gender in making appointments," he says. "I was looking at facts on a CV and choosing the best candidate for the job. I have been involved in arbitrations where my co-arbitrator is female and the chair is female, but they've been chosen not because of that, but because they are the best people. I've not seen any discriminatory bias, either express or implied. But I don't say it doesn't happen."

Louise Barrington FCIArb is a practising Chartered Arbitrator in Hong Kong, where there are a couple of dozen people working in arbitration full-time, only a quarter of whom are women. She's been involved in arbitration since 1986.

Finding herself one of a handful of women rising through the arbitration ranks, in 2005 she co-founded an organisation called ArbitralWomen, dedicated to fostering the role of women in international dispute resolution, through networking communications and training. Starting with 80 members, the organisation now has around 500 women members worldwide. In addition to organising meetings for members, it has provided a mentoring programme and sponsors teams attending the Vis Arbitration Moots in Vienna or Hong Kong, provided they are composed of at least 50 per cent women.

She attributes her own success at getting appointed partly to "longevity", but also to "being in the right place and making people aware I'm here and can do the job". She would advise women starting out in arbitration today to "get hands-on experience - without it you won't go anywhere". While she thinks "being a woman in this business can be an attribute" she also says that "playing the female card in an obvious way is to be avoided".

"There are still certain people who look on women in arbitration as an aberration, and some men are threatened by such behaviour, although that's much less the case than 15 years ago. The best thing women can do is to be super-competent, to persevere and have a relatively thick skin."

WOMEN AT THE TOP

Off the record, some women in ADR describe the under-representation of women in the higher echelons as "scandalous" and "disgraceful". On the record, these women are more circumspect, fearing injuring their own professional reputations.

One woman said she was "furious" about the under-representation of women as arbitrators, but felt unable to put her views in the public domain. She told *The Resolver*: "There is definitely a problem. I have seen many talented women give up simply because they don't want to fight any more - having to continually assert their worth when their male equivalents are not given the same degree of scrutiny. I've come across a male arbitrator whose written award was such gobbledegook he was censured by the court, but who is still practising and getting appointed. We've had a couple of elderly gentlemen who fell asleep during hearings.

"Ultimately there is a small group of arbitrators currently practising who are doing very well out of it. They don't want the competition of extra people on board. Until they retire there's not much of an incentive to change things."

Louise Barrington FCIArb co-founded networking organisation ArbitralWomen

Dominique Brown-Berset ACIArb: "Women must be 10 times better than the average man."

"The best thing that women can do is to be super-competent, persevere and have a thick skin"

International arbitrator Mark Kantor FCIArb was chosen last year to receive ArbitralWomen's Honourable Man award as someone who "takes affirmative steps to help advance women in the field", says current president Lorraine Brennan. Kantor thinks women have been prevented from having a greater presence in the ADR field by "the same barriers that any woman who seeks a career as a professional faces. A residual structural sexism - a system that is geared around decision-making by men - the biological fact that women bear children and men do not, and the social allocation of responsibility for child-rearing mainly to women."

But he says that the international treaty world does offer hope for correcting the imbalance because "states actually play a bigger role than foreign investors in selecting arbitrators". He says when it comes to promoting diversity, "you get a little more bang for your buck when you aim at the state, and try to get it to change its approach towards whom it selects as arbitrators".

International arbitration litigator Melanie Willems believes a demand for arbitrators in the Far East and former Soviet republics could open the door for the appointment of women

EVENING UP THE BALANCE

Possible measures to achieve better representation of women at the top of the ADR profession:

- **Introducing a quota system for women arbitrator appointments by arbitral institutions;**
- **All ADR training to include a section on taking gender into consideration;**
- **Positive action, such as ensuring equal numbers of men and women serve on influential committees within institutions;**
- **Lobbying states to include more women on rosters from which arbitrators are selected for investment treaty arbitration.**

Willems, who is also a member of ArbitralWomen, thinks a quota system could address the problem, although she admits she has the same knee-jerk negative response to the idea as other women: "There are as many good women as men in this profession who could be brought to the fore, and the anti-quota issue is profoundly discouraging women from fulfilling their role in society." She accepts that the small pool of regularly appointed arbitrators is arbitration's "strong core of excellency", but thinks objective criteria in the selection process would ensure that broadening this pool would not lower standards.

Amanda Bucklow FCIArb (Mediation) is one of the few women at the top in her profession. She thinks a quota system would be counter-productive, just as political correctness in the wake of equal opportunities legislation "didn't remove the glass ceiling, it just made it more difficult to see".

"To succeed," she says, "women still have to compete on men's terms."

She thinks better negotiations skills training could help more women get appointed. "There is a myth that women are not as strong as men in getting what they want in a negotiation because they have a tendency to accept lower value settlements," she says.

She thinks this is because women have a capacity to take more into consideration, so they will give up more value in monetary terms for alternative tangible benefits. "If women boost their negotiation skills" she says, "and understand better what helps them make decisions, they will be better at speaking the language that makes people confident they are the right people to hire as mediators."

Dominique Brown-Berset ACIArb, a member of ArbitralWomen and founding partner of a dispute resolution law firm in Geneva, says the number of arbitrations she takes on are limited by her lead counsel work, a much rarer role on the continent for women than as arbitrators. She thinks to be successful in arbitration women must have two things. They must be "10 times better than the average man", she says "and have someone to share everything with. I could not have done it without my husband being a full-time carer sometimes for three weeks at a time when I had hearings and our kids were very young."

She's not in favour of quotas, but wonders whether institutions should not be adopting the same kind of positive action as European law schools, appointing women before men when faced with two equal candidates.

Ultimately, what's needed is cultural change, she says. "I was the first woman co-chair of the arbitration committee of the International Bar Association. We really started to develop a culture, followed by all my successors, of requiring that it should be half women and half men on the committee. And I made sure that after I stepped down there would be another woman in charge. When this kind of culture is ingrained, we will see positive changes, little by little."

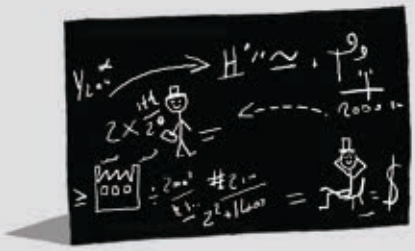
Louise Barrington is similarly optimistic. She thinks women have already made great strides in arbitration, and believes the feminisation of the legal profession will eventually correct the imbalance. "Women will, in a grassroots sense, become more and more visible in all areas of arbitration as more women go into law. It will happen," she says.

Jill Evans is a legal journalist

HOW TO...

...optimise your expert evidence

By James Rogers
Illustration: Cameron Law



"Credibility is key in using and preparing expert witnesses"

COMPLEX DISPUTES NOT ONLY involve factual questions of what happened, but also more intricate issues of cause and effect. These issues often require expert evidence, which can then make or break a case.

1/ Ensure the witness is credible

The challenge is not just to make sure that an expert is sufficiently 'on side', but also that credibility and impartiality are maintained. Expert evidence should be seen as the independent product of the expert, uninfluenced by counsel. Reliance on an overtly biased expert may call into question other aspects of the client's case and counsel's own credibility before a tribunal.

2/ Require experts' declarations

Institutions such as the Academy of Experts provide guidelines for their members, which can be included in standard form declarations that members are encouraged to sign when acting as experts. These can be helpful to confirm the expert's primary role of providing objective, unbiased opinion to the tribunal on matters within his or her area of expertise.

3/ Clearly define the issues ...

Counsel must ensure that the issues for expert consideration are clearly defined. Early meetings of the experts can help narrow the contested technical issues and so reduce the scope of the dispute.

4/ ... and all facts and assumptions

Relevant records should be produced in their native format (such as MS Word format) and copied in a locked format (such as a locked TIFF or PDF). If such collected documents have already been reviewed by legal experts it is essential that other properly trained experts testify as to what has been changed, why it was impossible to avoid the change and what the implications are.

5/ Beware of lack of immunity from suit

In England, experts are no longer immune from suit in relation to their evidence and advice. It is hoped clients will receive less 'optimistic' and more 'realistic' expert opinions, as experts choose to adopt a more cautious approach, especially when giving initial pre-dispute opinions.

6/ Consider hot-tubbing

In this new mechanism, rather than traditional cross-examination, witnesses are brought together before the tribunal and the parties are encouraged to discuss and debate their differences. At the very least, a genuine analysis of the issues is thereby promoted. It can also lead to a saving of time and costs.

7/ Consider using experts appointed by the Tribunal

Tribunal-appointed experts may suit a particular case, such as helping to overcome confidentiality concerns in technology related disputes. This approach does, however, raise concerns that the tribunal is abdicating its adjudicatory function. Such transparency concerns can lead to issues with the enforcement of a subsequent award.

8/ Get the right person for the job

Finally, take time to appoint and instruct the right person for the job, with the right technical expertise and a manner that is both persuasive and credible.

James Rogers ACIArb is a senior associate at Fulbright and Jaworski

CIArb has welcomed Lucy Chakaodza as its new Communications and PR Executive. Lucy has a background in journalism and was most recently Campaigns and Communications Officer at Lambeth Council

Michael Forbes Smith MCIArb left the Institute on 23 March and retired as Director General of CIArb on 6 April.

Michael (pictured, centre), with Chair of the Board of Trustees John Wright FCIArb (left) and Chair of the Board of Management Charles Brown FCIArb, has led CIArb since February 2006 and has presided over a 12.2 per cent increased in membership, which now stands at 12,500, overseen by 68 branches and chapters in 37 countries.

New Director General announced

On behalf of the Institute's trustees, Chairman John Wright is pleased to announce that Anthony Abrahams TD DL MBA has accepted the position of CIArb Director General and started at CIArb's Executive offices in Bloomsbury Square, London, on 10 April 2012, replacing Michael Forbes Smith who left the Institute on 23 March and retired as Director General on 6 April.

Anthony Abrahams is currently Chief Executive of Charter Chambers in London, prior to which he was Group Managing Director of Kain Knight Group plc. Qualified as a solicitor and specialising in civil litigation, Anthony has considerable hands-on experience in legal practice management, which he has reinforced academically, gaining an MBA with distinction from Nottingham Law School. Anthony also sits as a Deputy District Judge. His legal background has been complemented and enhanced with leadership and organisational skills acquired in the Territorial Army where he attained the rank of Colonel. A more extensive profile will be included in the August edition of *The Resolver*.

Ms Nicki Alvey, Director of Membership and Marketing, was Acting Director General in the interim until Anthony took up his post. Having joined CIArb in August 2008, Nicki Alvey said: "I look forward to welcoming Anthony who will find a dedicated team of four Directors and 25 staff based at the Executive Offices."

CIArb welcomes MSI collaboration

CIArb is collaborating with MSI Global Alliance (MSI) for the first time, at its EMEA Regional Meeting being held in Lisbon, Portugal, 11-13 May 2012.

Founded in 1990, MSI is a top-10 international association of independent mid-sized global accounting and law firms involved with international business.

With obvious links to international commercial arbitration, CIArb is pleased to be able to accept MSI's invitation to introduce the Institute as a professional global membership body, and its education and training services, to a new audience of senior and managing partners at accounting and law firms around the world.

MSI has grown to more than 250 member firms in some 105 countries and offers a full directory of its members on its website and on smartphone apps that run on iPhone, Android and BlackBerry.

➜ www.msiglobal.org

Arbitration available for family cases

A new Family Arbitration Scheme will allow family disputes to be resolved by arbitration.

Set up by the newly formed Institute of Family Law Arbitrators (IFLA), a not-for-profit organisation created by CIArb and other organisations, the scheme will cover a number of areas, including financial disputes arising from divorce and claims on inheritance from a child or spouse.

IFLA has formed a panel of experienced family lawyers who have been trained as family arbitrators under the scheme.

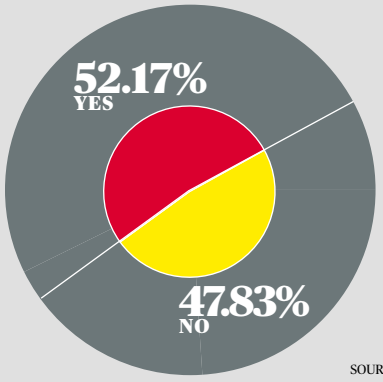
To date, the bespoke training course, which has been developed in partnership with and delivered by CIArb, has attracted the retired judiciary and highly experienced specialist practitioners from across the country.

Former Lord Chancellor Lord Falconer of Thoroton is chair of IFLA. He said: "At a time when there is a need to find solutions in family disputes outside the courtroom, it is a logical next step to offer arbitration as another means of doing so."

➜ www.ifla.org.uk

ONLINE POLL

Is a legal background and/or experience essential for becoming an arbitrator?



Be part of the debate at ➜ www.ciarb.org

SOURCE: WWW.CIARB.ORG

Follow CIArb and take part in the debate at:

twitter.com/Ciarb
linkedin.com
facebook.com
www.ciarb.org/forum

BEST OF THE ADR DEBATE LinkedIn

QUESTION POSTED ON CIARB'S LINKEDIN GROUP: IS A LEGAL BACKGROUND AND/OR EXPERIENCE ESSENTIAL FOR BECOMING AN ARBITRATOR?

Member posted: The whole concept of arbitration rests on a resolution of the dispute based on the substance of the issues, rather than the laws about those issues. It is essential to have a strong background in analysis and, depending on the dispute, the subject matter, but it is not, and should not, be necessary to have a legal background. One of the dangers in arbitration is the transmutation of the process into a pseudo micro-trial.

Member posted: Why on earth should a legal background or experience be necessary for an arbitrator? If it was, the legislation would say so; generally it doesn't. It isn't even necessary for a magistrate. In the UK, modern arbitration results from John Locke's work for the Board of Trade. He discharged his commission by drafting what became a 1698 statute encouraging the use of arbitration, both in England and in America. Locke was undoubtedly motivated by his belief that among those people who actively hindered trade were "multitudes of lawyers". So what else is new? Arbitration was intended to be something different to a proceeding at law. As I remember, CIArb was founded by an electrical engineer, among others.
See www.hartwell.pwp.blueyonder.co.uk/whoshall.htm.

Member posted: This should be two questions - as experience is [essential] - but is a background (assuming this means a qualification)? Anything else makes a nonsense of three or more arbitrator tribunals and arbitration of facts only, or cost/time claims stemming from facts. In many cases, the actual enacted law statute or precedent has little relevance to or impact on the final award, other than that it is a legally valid and binding award and not subject to challenge on the basis of misapplication of the law if indeed a challenge is available under the relevant arbitration agreement.

Member posted: This question is often understood as meaning "do you have to be a practising lawyer to practise as an arbitrator?", to which I would say, "definitely not". But, of course, training as an arbitrator should involve sufficient learning in arbitration law, contract and fair procedure to enable an arbitrator to discharge their functions to the highest level. Obviously in highly technical, or legally complicated matters, it is probable that a very experienced lawyer will most likely fit the bill. But simply being a barrister, for example, does not an arbitrator make, and we should be wary of generalisation.

Member posted: I don't believe you can effectively write an arbitral award without some legal background and/or experience. At the very minimum, training as a paralegal would give you the necessary foundation to draw on to arrive at any conclusion at law in arbitration.

MY TOUGHEST DISPUTE

Robert Rice

ACIArb, Attorney, Rice & Associates, mediator and arbitrator

One of my most interesting and professionally challenging engagements as an arbitrator involved a personal injury case

THE CLAIMANT, a maintenance worker in an industrial facility, was injured after falling from the top of a piece of machinery. He claimed significant and lasting injuries. The case, with a preferred damage model well above $1m (£0.6m), was brought against the employer, as well as the seller, manufacturer, designer and installer of the equipment. These are all different entities.

Given the amount at stake, all parties were extremely well-represented. Case management was going to be a challenge. Witnesses were located across the US and in three other countries.

Some witnesses did not speak English, or at least not well enough to comfortably testify in English. At the final hearing, the parties employed a court-certified interpreter to allow witnesses to testify in their native language.

Case management was a challenge with witnesses across the US and in three other countries

The parties jointly requested that I inspect the facility where the accident occurred. They (correctly) believed it would be better if I had seen the equipment involved first hand. This made it much easier to understand the evidence. I would definitely accept a joint invitation from counsel for such a site visit in other cases.

Because of the volume of necessary discovery, more hands-on case management was required than for the average arbitration. I scheduled regular conference calls roughly every 30 days, in which I asked counsel for a status report on the past month's discovery efforts, any problems encountered and the schedule for discovery in the coming month.

In every call I pressed the lawyers on whether they could stick to the overall case schedule they had agreed at the start. The lawyers raised any problems they had, and I resolved them on the spot. No one felt the need to file any discovery motions.

This seemed to keep everyone focused on moving forward, and let me resolve swiftly any problems that arose. These calls - generally no longer than half an hour - may have helped everyone stay in a more co-operative and less confrontational mode.

Several witnesses testified at the final hearing by live video conference, enabling us to get important testimony from witnesses who lived more than a thousand miles away or in another country. I'll be suggesting counsel consider video conferencing in the future.

There were numerous legal issues to be addressed, as well as several critical factual questions. The lawyers supplied a high-quality briefing. Writing the award was challenging given the number of legal and factual issues to be resolved. While there were post-arbitration proceedings in court, I was pleased that the court affirmed the award.

NORTH AMERICA

Atlanta launches arbitration society

The North American Branch (NAB) sponsored the inaugural meeting of the Atlanta International Arbitration Society, in Atlanta, Georgia, from 15-17 April 2012.

Speakers at the event included Meg Kinnear, Secretary-General of ICSID; William Slate, President of the AAA; Lorraine Brennan, Managing Director of JAMS International; and John Beechey FCIArb, Chair of the ICC Court of Arbitration.

A host of CIArb members also made presentations, including Jeffrey Elkinson FCIArb, President of CIArb, and Philip "Whit" Engle FCIArb, Chair of the Southeast Chapter of the NAB.

NAB also sponsored a "grand slam" training event in connection with the Atlanta meeting, offering an accelerated course to both fellowship and membership.

In addition, tutors from the NAB, in conjunction with the Caribbean Branch, conducted an accelerated course to fellowship in Kingston, Jamaica.

Among the guest speakers were Chief Justice of Jamaica, Hon Mrs Justice Zaila McCalla OJ, and Jamaica's Minister of Tourism, Entertainment and Culture, Hon Mrs Aloun N'Dombet Assamba (see pictures).

Left to right: NAB member Murray Smith FCIArb, CIArb President Jeffrey Elkinson FCIArb, Chief Justice of Jamaica, Hon Mrs Justice Zaila McCalla, OJ, and John Bassie MCIArb, Chair of the Caribbean Branch

Guest speaker, Hon Mrs Aloun N'Dombet Assamba (centre), CIArb President, Jeffrey Elkinson CIArb (3rd left) and Caribbean Branch Chair, John Bassie MCIArb (3rd right) with NAB tutors

Individual members of the NAB have also been very active recently. Published articles include: Mark Baker, *Ad Hoc International Arbitrations - The Way of the Future?*, José María Abascal, *Liber Amicorum, World Arbitration & Mediation Review* (forthcoming 2012); Lucy Greenwood FCIArb, "Sketch: The Rise, Fall and Rise of International Arbitration: a View from 2030", *Arbitration,* Vol 7, Issue 4 (2011) and "Keeping the Golden Goose Alive: Could Alternative Fee Arrangements Reduce the Cost of International Arbitration?" *Journal of International Arbitration*, Vol 28, Issue 6 (2011); and S.I. Strong FCIArb, "International Arbitration and the Republic of Colombia: Commercial, Comparative and Constitutional Concerns From a US Perspective," *Duke Journal of Comparative & International Law*, Vol 22, Issue 1 (2011).

Professor Strong also won the Best Short Article Award 2011 from the CPR Institute for "Collective Arbitration Under the DIS Supplementary Rules for Corporate Law Disputes: A European Form of Class Arbitration?" *ASA Bulletin,* Volume 29, Issue 1 (2011).

EUROPE

Teaching skills

In February, the European Branch broke new ground with its "Training for Trainers" Course (T4T), which was set up to assist the trainers for the teams participating on the Vis Moot Arbitration Competition in April. The course also proved to be ideal for those that are interested in improving their skills in teaching arbitration courses.

The T4T Course brought together a good cross-section of academics, lawyers and other professionals who are keen to take part in advancing their training techniques in general and the Branch's training programme in particular.

On 12 April, the European Branch held an afternoon seminar in Prague on the topic of the EU Mediation Directive, which is currently making its way through the legislative process in the Czech Republic.

Speakers from the Branch included Mercedes Tarrazón FCIArb and Giovanni Di Berti FCIArb, both of whom are well-known and respected mediators across the continent. The seminar was held in the Kaiserstejn Palace, Prague.

On 20 and 21 April, the European Branch held its 2012 AGM & Conference in Madrid, at the Occidental Miguel Angel Hotel. The Gala Dinner was held in the Café Bernabeu at the Real Madrid Football Stadium.

INDIA

Singapore event

The CIArb India Branch supported SIAC Singapore on 21 January in Delhi, where four CIArb directors and one India Branch member attended as speakers.

Lalit Bhasin, Chair of the National Committee on Dispute Resolution in India chaired a session on "The role of an efficient dispute resolution system in India's modern international economy", and branch secretary Chandrakant Kamdar was on the panel for discussion.

CIArb India has also appointed an admin manager to oversee the day-to-day working of the branch.

WHAT'S ON

ONLINE

Further information on all professional training courses can be found at:
➔ www.ciarb.org/course-finder
Education Team • T + 44 (0)20 7421 7439 • F + 44 (0)20 7404 4023 • E education@ciarb.org

TRAINING

CIArb professional training diary

May - September 2012

KEY: ARBITRATION; ADJUDICATION; MEDIATION; INTERNATIONAL ARBITRATION; ARBITRATION & ADJUDICATION; ARBITRATION & ADR; GENERAL ADR

Courses held at 12 Bloomsbury Square, London (unless otherwise indicated)

MEDIATION

Module 1 Mediation - Workplace Mediation Training
Aimed at candidates who wish to become a CIArb Accredited Workplace Mediator.

21st-23rd & 30th-31st May 2012
Duration: 5 days
Fee: £2295 + VAT

MEDIATION

Module 2 Mediation - Workplace Mediation Assessment
To assess and consolidate Module 1 and enable candidates to qualify as a CIArb Accredited Mediator.

11th June 2012
Duration: 1 day
Fee: £1500 + VAT

MEDIATION

Introduction to Mediation
Provides an understanding of the general principles of mediation.

17th-18th August 2012
Duration: 1 day
Location: Bangalore
Please contact the India Branch for further details

ARBITRATION

Module 2 - Law of Arbitration
Provides candidates with a detailed knowledge and understanding of the law of arbitration.

3rd June 2012
Location: UAE
Please contact the UAE Branch for further details

19th June 2012
Location: London
Duration: 5 months
Fee: £1100 + VAT

6th July 2012
Location: Nairobi
Please contact the Kenya Branch for further details

1st August 2012
Location: Scotland
Please contact the Scottish Branch for further details

ARBITRATION

Accelerated Route to Fellowship
To provide a fast-track route to Fellowship through the arbitration pathway.

7th-8th June 2012
Duration: 2 days
Location: Singapore
Please contact the Singapore Branch for further details

8th-9th June 2012
Duration: 2 days
Location: UAE
Please contact the UAE Branch for further details

13th-14th June 2012
Duration: 2 days
Location: Nairobi
Please contact the Kenya Branch for further details

5th-6th July 2012
Duration: 2 days
Location: Nigeria
Please contact the Nigeria Branch for further details

7th-8th July 2012
Duration: 2 days
Location: Singapore
Please contact the Singapore Branch for further details

ARBITRATION

Introduction to Arbitration
Provides an understanding of the principles of arbitration.

7th-9th June 2012
Duration: 3 days
Location: Abuja
Please contact the Nigeria Branch for further details

13th-15th September 2012
Duration: 3 days
Location: Nigeria
Please contact the Nigeria Branch for further details

ARBITRATION

Accelerated Route to Membership - Domestic Arbitration
To provide a fast-track route to Membership through the domestic arbitration pathway.

13th-14th June 2012
Duration: 2 days
Fee: £1100 + VAT

ARBITRATION

Module 4 Domestic Arbitration

Provides sufficient knowledge of, and practice in all the requirements for the writing of a final, reasoned and enforceable arbitration award in a commercial dispute.

28th June 2012
Duration: 4 months
Fee: £1100 + VAT

INTERNATIONAL ARBITRATION

Module 1 & 2 International Arbitration - Law of Arbitration
Provides a detailed knowledge and understanding of the law of arbitration and a robust understanding and appreciation of the key, relevant aspects of the legal system.

8th June 2012
Location: Mumbai
Please contact the India Branch for further details

INTERNATIONAL ARBITRATION

Module 4 International Arbitration - Award Writing
Provides sufficient knowledge of and practice in all the requirements for the writing of a final, reasoned and enforceable arbitration award in a commercial dispute.

8th June 2012
Location: Nairobi
Please contact the Kenya Branch for further details

INTERNATIONAL ARBITRATION

Introduction to International Arbitration
Provides an understanding of the principles of international arbitration.

12th June 2012
Duration: 1 day
Fee: £400 + VAT

INTERNATIONAL ARBITRATION

Accelerated Route to Fellowship
To provide a fast-track route to Fellowship through the international arbitration pathway.

18th-19th June 2012
Duration: 2 days
Fee: £1550 + VAT

INTERNATIONAL ARBITRATION

Accelerated Route to Fellowship
To provide a fast-track route to Fellowship through the international arbitration pathway.

21-st-22nd July 2012
Duration: 2 days
Location: Paris
Please contact the European Branch for further details

ADJUDICATION

Module 2 Adjudication - Law of Adjudication
Provides a detailed knowledge and understanding of the legal and procedural principles involved in statutory adjudication.

21st June 2012
Duration: 6 months
Fee: £1100 + VAT

ADJUDICATION

Accelerated Route to Fellowship
Provides a fast-track route to fellowship through the adjudication pathway.

25th-26th June 2012
Duration: 2 days
Fees: £1550 + VAT

ADJUDICATION

Module 3 Adjudication - Practice, Procedure, Drafting & Deciding
Provides detailed knowledge of the main procedural elements of statutory and contractual adjudication.

26th June 2012
Duration: 6 months
Fee: £1550 + VAT

ALTERNATIVE DISPUTE RESOLUTION

Introduction to ADR
Provides a complete explanation of the main categories of ADR.

5th July 2012
Duration: 1 day
Fee: £350 + VAT

26th September 2012
Duration: 1 day
Fee: £350 + VAT

ARBITRATION & ADR

introduction to Arbitration and ADR
Provides an understanding of the principles of international arbitration and provides a complete explanation of the main categories of ADR.

29th-31st August 2012
Duration: 3 days
Location: Kenyan Institute of Education
Please contact the Kenya Branch for further details

CIArb EVENTS SPOTLIGHT

CIArb's AGM and 2nd Annual Roebuck Lecture, 17 May 2012
The AGM, being held at 12 Bloomsbury Square, London at 18:15, is open to all current members of CIArb. To register please contact Naoimh McNamee, Governance Secretary
Email NMcNamee@ciarb.org

The 2nd Annual Roebuck Lecture will immediately follow the AGM with guest speaker Dr Michael O'Reilly.
To register your attendance contact Helen Chowaniec, Events Executive
Email hchowaniec@ciarb.org

International Council for Commercial Arbitration (ICCA) 21st Congress, Singapore
The Chartered Institute of Arbitrators and the CIArb Singapore Branch are hosting a Grand High Tea Reception on Sunday 10 June 2012 from 15:00 to 17:30, prior to the official opening ceremony of ICCA, Singapore. Registered participants of ICCA as well as CIArb members are warmly invited to this reception, which is free of charge.

The Right Honourable Lord Saville of Newdigate PC QC will be a special guest speaker and will speak on "The English Arbitration Act 1996 - 15 years on".

All guests are required to register in advance ➔ www.ciarb.org.sg. Also watch the website for details on the Accelerated Route to Fellowship course being held on 7-8 June in Singapore, which aims to provide a fast-track route to Fellowship through the international arbitration pathway. Lord Saville will give a guest lecture on Arbitration and the Courts.
ICCA 2012 registered participants will enjoy special rates for this workshop.

CIArb's International ADR Conference and Dinner, Edinburgh, Scotland
The CIArb Scottish Branch is proud to announce the CIArb International ADR conference being held in Edinburgh, Scotland on Thursday 15 November 2012.

With a theme of "ADR - the International Dimension", the conference will be held at the Radisson Blu hotel, followed by a drinks reception, hosted jointly by the Scottish Branch of the CIArb and the Scottish Arbitration Centre and dinner at Signet Library. The dinner is open to CIArb members and their guests, as well as conference delegates.
More details can be found at
➔ www.ciarb.org/conferences

SAVE THE DATE

The second Young Members' Conference - 7 November, Dubai, UAE. More details will be posted shortly:
➔ www.ciarb.org/events