

# Meet the CI Arb leaders

3 September 2020 | 11:30am - 1:00pm BST | Online event



**CI Arb**  
evolving to resolve



## Pre-submitted questions from delegates

### CI Arb and diversity

**Q: How will CI Arb use its training, experience, and significant membership to distinguish itself in a global economy and developing alternative dispute resolution alternatives?**

A: The Chartered Institute of Arbitrators (CI Arb) always aspire to be a thought leader within the industry through both words and action. Steps taken over the last few months alone – implementing new strategic goals and taking on new leadership for example – goes to show that the Institute is not only serious about leading the business through this extraordinary time we all are living through right now, but that it also continuously renounce stagnation in its endeavor to position itself ahead of the pack.

**Q: Is there ever going to be a point when you can achieve Fellowship in alternative ways – for example, by demonstrating you meet the standards via your role?**

A: CI Arb does provide alternative routes for Fellowship via the Experience Practitioner Route. An interested applicant is required to fulfil the following criteria before contacting [memberservices@ciarb.org](mailto:memberservices@ciarb.org) to request the application form.

- A minimum of 10-years' experience in arbitration, construction adjudication, or mediation in a lead/sole capacity; including settlement agreements, the management of proceedings, and attending hearings which have resulted in the publication of a reasoned award or decision;
- Knowledge of the law of obligations and evidence at a first-degree level or recognised equivalent, or an understanding of law relevant to your mediation practice or recognised equivalent;
- Experience of writing directions and final, reasoned awards or decisions/experience writing

mediation agreements, heads of agreements, or memorandums of understanding;

- Able to provide a schedule of appointment in the last 10 years plus two reference letters from a CI Arb Fellow.

**Q: What are the steps to become a member of CI Arb?**

A: In general, CI Arb offers three routes for membership application which are by completing a CI Arb course, completing a Recognized Course Provider course or via Experienced Practitioner Route. An interested applicant who has fulfilled the requirement for membership may submit a membership application online at the following link <https://ciarb.org/membership/routes-to-membership/>. Our membership team will process your application within five working days.

## Career development

**Q: What is the best way to get experience writing awards? I aspire to become an arbitrator, however, do I need to write awards for experience?**

A: First, you will need to train and complete all CI Arb Modules in International Arbitration and get accredited as a CI Arb Fellow. To gain more experience in writing awards, you can register for CI Arb [YMG Essay Competition 2020](#) which is writing a Procedural Order to enable you to get proper guidance on writing awards and experience in preparing an award. You can also refer to CI Arb Guidelines for Drafting Arbitral Awards which is available on the following link <https://ciarb.org/resources/guidelines-ethics/international-arbitration>.

**Q: Please advise me what should be the best career path for me, keeping in mind the current pandemic situation?**

A: CI Arb currently is offering various online courses to help an interested individual to enhance their knowledge during the current pandemic situation. It would be best if you took advantage of the various online courses which can help equip you with the essential knowledge to progress in your career.

## Alternative dispute resolution (ADR) law

**Q: What prospects exist in extending the ADR mechanism of arbitration and mediation to the administration of justice systems of the world?**

A: Alternative dispute resolution (ADR) is in its essence just that; an alternative to the conform ways of litigating through the national court system. Some judicially technical aspects of ADR proceedings have similarities in the conventional justice system, whilst other aspects are different in their entirety. The bottom line is that ADR works as a complementary entity to a pre-existing national justice system, and the two system works best in tandem. With that being said, the Institute is a strong proponent of holistic cross-border understanding between the ADR community and the courts.

**Q: What are the current challenges faced by alternative dispute resolution in the contemporary world?**

A: Needless to say, the current onset of the COVID-19 pandemic has strained all areas of business across a wide societal spectrum. This is as true for ADR professionals as for anyone else. Besides these most pressing concerns, namely remote proceedings and testimony, virtual meetings, and disputes hailing from various governmental emergency programs, the ADR business is front and center of 21st century globalization. This means that practitioners need to be fluent in both cultural differences and procedural ones, often on a moment's notice. It is also a business concerned with inclusiveness, diversity, and sustainability.

**Q: Do you estimate a great shift in litigation and a choice for arbitration rather than the courts following lockdown?**

A: We expect businesses to primarily be more time-conscious following the onset of the nationwide lockdown and being more aware of the length of your procedure oftentimes means looking towards alternative ways of settling a dispute. What ADR provides is a means of greater procedural control, and in times of great uncertainty, this is very desirable indeed from a litigant point of view.

## **Remote ADR proceedings**

**Q: Will virtual hearings be the norm even after the pandemic?**

A: Not necessarily. The pandemic has indeed proven that it in many instances is completely sufficient with virtual hearings, but that is not always the case depending on the circumstances. Some parts of the ADR process, like cross-examination and taking expert witness testimonies, for example, has not lent themselves to virtual quite as easy. The most reasonable conclusion at this time, then, is that we are likely to see a mix of virtual and physical hearings post-pandemic.

**Q: How we can maximise the role of digital arbitration?**

A: The short answer? By utilizing the digital tools at our disposal to their maximum capacity. We have already seen a great will from dispute resolution professionals to overcome physical hindrances actualised by the current crisis and subsequent lockdown measures and emergency governmental responses worldwide, and granted access to the right tools there is no doubt that digital replacements for – or enhancements of – proven dispute resolution mechanics will open new avenues and fora for the ADR profession.

**Q: How viable is it to attain high standards of alternative dispute resolution virtually globally?**

A: The viability of that prospect is high. The biggest challenge lies in facilitating equal access to digital tools and infrastructure across the board, especially in emerging markets. Armed with proper tools of

the trade, highly qualified dispute resolvers from all around the world will be able to take on cases on an equal footing without the hindrance of distance. Our own [Remote Proceedings Guidance Note](#) is an excellent starting point for those looking to conduct an effective dispute resolution process online.

**Q: What do you think about the efficiency of ADR procedures when they are video conferences or on the phone, especially during a pandemic?**

A: There are certainly unique challenges related to remote proceedings like these. Even for a seasoned cross-examiner, the lack of physical interaction might prove a challenge when conducting an interview. However, if the participating parties are comfortable with the settings, conduct, and result of the remote proceeding whilst it adheres to business standards and best practices, there is no reason to dismiss its efficiency in general.

## **Alternative dispute resolution (ADR) and COVID-19**

**Q: What are the roles arbitrators are to play to rescue economies of second and third world countries after COVID-19?**

A: ADR practitioners and non-litigative legal proceedings can play a major role in complementing national justice systems in times of crisis. Access to faster and bespoke legal solutions can indeed help reboot a post-pandemic economy, in first, second, and third world countries alike – especially when it comes to infrastructure development and transnational commerce.

**Q: What are the post-COVID trends in ADR expected globally?**

A: There are two major themes in terms of post-pandemic trends, procedural and professional. On the procedural side, we can expect an increased reliance on technology and digital means of conducting an ADR process. On the professional side, increased reliance on global cooperation post-pandemic is likely to heighten the attractiveness of transnational dispute resolution and increase the need for international lawyers.

## **Region specific**

**Q: What is the impact of COVID-19/protests etc. on ADR in Hong Kong?**

A: Being a major hub for global business and commerce, any political development and measure of civil unrest in Hong Kong is set to impact the ADR-industry. Our thoughts are with the people and citizens of Hong Kong – as they are with all who have been struck by violence throughout the world – as they steadily remain our esteemed colleagues and friends throughout this extraordinary time. Short term effects like drops in consumer spending and a reduced influx of foreign money is obviously trickling down throughout Hong Kong's economic ecosystem to eventually hurt companies employing ADR-professionals, both foreign and domestic. Other, more long term, consequences might be prolonged stasis of lockdown, a more close-knit connection to mainland China, and potential implications for foreign capital, personnel, and organisations.

**Q: What is CIArb's vision for India in the coming months?**

A: CIArb's main presence in India is through our local branch. Our aspiration is to further increase our involvement in the region, and we are incredibly proud of the engagement from local ADR providers thus far, with high aspirations for what is to come. We are also engaged with the Indian Law Ministry, having hosted the Indian Law Secretary at our headquarters earlier this year for a high-level roundtable on how India can establish itself as a dispute resolution hub.

**Q: How can I network with other CIArb members in Trinidad and Tobago to increase awareness of CIArb and ADR practice?**

A: Trinidad and Tobago are attached to our Caribbean branch. You can contact [memberservices@ciarb.org](mailto:memberservices@ciarb.org), and we can provide the contact details of the branch committee members for you to explore the latest activities and join local networking sessions organised by the branch, especially in Trinidad and Tobago. You can also share your ideas with the branch committee members on any proposal to create more awareness of CIArb and ADR practices.

**Q: I am interested in learning more about opportunities to become involved in CIArb's work within the Caribbean.**

A: Please contact [memberservices@ciarb.org](mailto:memberservices@ciarb.org), and we can introduce you to our Caribbean branch committee members. You can contact them directly and find out how to be more involved with the branch activities and be part of the committee.

**Q: Do the CIArb leaders foresee to establish a centre in Pakistan in future, and in CIArb leaders' opinion what opportunities does the South Asia region present for arbitrators to grow?**

A: Pakistan is a developing nation in alternative dispute resolution, especially in the South Asia region. We have no plans to set up a centre in Pakistan at the moment. Still, there is a potential for us to have a Pakistan branch in the future if we could gather enough support from the local ADR communities especially when we already have 62 active members from all membership grades based in Pakistan, currently.

**Q: Following the decision that local branches cannot charge local subscriptions, how will CIArb London assist local branches to meet their financial obligations?**

A: CIArb's London headquarters: Branches submit annual plans and budgets for Trustee approval. Once approved, the annual plan, plus a three-month expenditure buffer, is funded through a grant from central funds, unless the branch already holds sufficient reserves to support activities.

**Q: Cancelling or reducing or at least postponing membership subscription for 2020, given the difficulties faced with the catastrophic event in Lebanon, economic situation, current banking restrictions, etc.**

A: The Executive is performing an assessment of the fee structure in light of the worldwide economic situation and the circumstances in specific countries. Proposals are being developed to put before the Trustees in November 2020.

**Q: I've heard comments from colleagues in several Civil Law Jurisdictions in Europe (such as Russia, Ukraine, Spain, Italy, Germany and Belarus) with the feeling that CI Arb is under promoted in these jurisdictions. I am very eager to work to make our worldwide network more efficient and to promote activity in Europe. What can I do to help in this regard?**

A: All the countries mentioned are assigned to our European branch. You can contact [memberservices@ciarb.org](mailto:memberservices@ciarb.org), and we would be happy to introduce you to our European Branch Committee members where you can share potential ideas on how we can approach and help market CI Arb to a broader range in Europe.

## Other questions

**Q: Can you elaborate on the process for the pending governance review?**

A: The Board of Trustees is considering various proposals for governance reform. These are designed to simplify the structure to support the delivery of the strategy and to ensure that the organisation is best structured to deal with future challenges. This will include looking at the composition of the Board of Trustees to ensure that there is an adequate mix of member representation and skills.

**Q: I am a Fellow of the Chartered Institute of Arbitrators. Every time I have reason to contact CI Arb, I am left feeling I have been dealing with an impersonal bureaucracy, rather than a membership organisation of which I am a full member. How are you intending to change the culture of the staff of the CI Arb office?**

A: CI Arb is committed to delivering the best possible experience for all those who contact us. Our people are our most valuable commodity and with that in mind, we are working towards Investors in People Accreditation. This will help embed our culture and values even more into the work the staff performs.