

Course Information

Accelerated Route to Fellowship - International Arbitration Face to Face Delivery

What is the aim of the programme?

To provide a fast-track route to Fellowship through the International (i.e. non-domestic) Arbitration Pathway. The Accelerated Route to Fellowship has been designed for busy professionals who have substantial unassessed knowledge and experience of International Arbitration. The aim of the programme is to assess whether the candidate has the knowledge required to apply the principles and procedure of International Arbitration using arbitration legislation based on the UNCITRAL Model Law and Arbitration Rules and is capable of writing a reasoned and enforceable International Arbitration Award.

Candidates must evaluate their personal suitability to undertake the programme, appreciating that the assessments are intensive and that they will be assessed against standard benchmarks.

This programme focuses on the process, practice and procedures in International Arbitration which is an essential requirement for qualification as a Fellow and for those who aim to practice as an International Arbitrator.

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- identify and explain in depth all the key elements of the International Arbitration process;
- evaluate issues and apply the principles of the UNCITRAL Model Law appropriately;
- demonstrate practical skill in carrying out the tasks required in preparing for and progressing an International Arbitration;
- demonstrate skill in controlling an International Arbitration, communicating effectively with the parties, applying the UNCITRAL Arbitration Rules and adopting appropriate procedures.

What is covered within the syllabus?

- Arbitration agreements
- The legal framework: the importance of the seat, the New York Convention, procedural laws, and procedural rules conflict of laws, the Rome Convention
- The use and adoption by State entities of the UNCITRAL Model Law
- The UNIDROIT Principles of International Commercial Contracts
- Types of Arbitration: ad-hoc, institutional, documents only, time limited
- Commencement of the Arbitration, terms of reference
- Obligations of the Tribunal, responsibilities and obligations of the parties
- The Arbitrator's terms and conditions of appointment
- An Arbitrator's jurisdiction and powers
- Challenges to jurisdiction, conflicts of interest
- Managing the Arbitration process: communications, preliminary meeting, interlocutory matters, dealing with factual and opinion evidence and disclosure of documents
- Security for costs
- Presenting the claim and the defence: alternative methods
- Preparation for and procedure at a typical hearing, contrasting common law and civil law jurisdictions
- Essentials of an enforceable Award
- Costs, offers and interest; alternative approaches in different jurisdictions

What are the entry requirements?

In order to register for the Accelerated Route to Fellowship, candidates must submit evidence to show:

- they have a minimum of 5 years of practical experience of international arbitration either as a representative or an international arbitrator
- they have substantial knowledge of the framework of international arbitration
- they can recognise and evaluate evidence
- they can significantly evaluate and apply the principles and requirements of an international arbitration
- they can noticeably demonstrate practical skill in the carrying out of tasks required in preparing for and progressing an international arbitration.

Once accepted onto the programme, candidates must also register and complete the **Module 2 Law of Obligations Exemption Test** prior to commencement of the Accelerated Route to Fellowship at an additional cost of £78.00. This is a pre-requisite of being enrolled onto the course. Candidates that fail the Exemption test will unfortunately no longer be able to participate in the Accelerated Route to Fellowship.

English Language Competence - CIArb training and assessment is carried out in English. It is therefore essential that candidates are proficient in both written and spoken English. Where English is not a candidate's first language, it is recommended that they have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test of English as a Foreign Language (TOEFL) system. CIArb issues this advice as a guideline and, while it will not require any evidence of this standard prior to enrolment on a course, candidates who do not have this standard of English may be disadvantaged.

How is the programme delivered?

This is an assessment programme as opposed to a teaching module. Learning will be based on private study prior to the oral assessment workshop, reinforced by tutor input and peer discussion during the workshop.

The programme is delivered over a period of five days, with assessment workshops on days one to four. On day five candidates will be given 48 consecutive hours within a 5-day window to submit their answers online for the final assessment. The programme dates advertised are the dates when candidates will be required to attend the assessment workshops.

How will I be assessed?

Assessment of this programme is split into three parts, all of which must be passed:

- **Assessment 1** - An interactive 2 day assessment in a series of workshops, where situations will be presented to candidates in groups for their consideration. Candidates' knowledge, judgment and interactive/self presentation skills are assessed by oral exercises. Candidates are permitted to use any materials they wish throughout the workshops.
- **Assessment 2** - Written exercises before and during the 2-day workshops:
 - One written exercise on arbitration law to be submitted before the assessment workshops (10%)
 - One written exercise on arbitration law to be submitted during the workshops (20%);
 - Two written exercises to be submitted during the workshops (10% each)
 - One written exercise to be completed overnight (30%)
 - A final written exercise (20%)
- **Assessment 3** - Final examination for this course is a 48 consecutive hour open book assessment which can be done within a 5 day window. (70%)

Details of the assessment are as follows:

- **Assessment 1** (Oral Exercises).
 - This assessment is on a pass or fail basis. Candidates must pass all the workshop sessions. Candidates who fail the workshop will be required to re-sit this assessment.
- **Assessment 2** (Written Exercises).
 - Candidates must achieve a minimum overall mark of 55% to pass this assessment.
- **Assessment 3** (Award Writing Exam).

This assessment is completed via LearnADR, CIArb's online learning platform. Candidates will be given 48 consecutive hours within a 5-day window to submit their award online. Candidates must achieve 70% in Part A, Part B and overall to pass the assessment.

Part A: Focuses on the technical merit and counts as 40% towards the overall mark.

Part B: Focuses on the judicial merit and counts as 60% towards the overall mark.

The assessment is split into two stages:

Stage One: This consists of the papers in the case. They are sufficient to enable you to grasp the nature of the case and the likely legal problems. Most of the documents are extracts only. You should consider the recitals you intend to include and the relevant law.

Stage Two: This is the equivalent of the hearing stage. It includes an extract from your (i.e. the arbitrator's) no doubt make different findings. This is of no consequence, except that it means there are a great many possible answers to the question. When you have made your findings of fact, write the award. It must be a final award as regards the issues you decide.

Stage One of the assessment is released via LearnADR 10 days before the assessment start date.

Stage Two is released at 12pm noon London Time on the assessment start date via LearnADR too.

Stage 2 will be available for 5 days from the assessment start date and within those 5 days, you will have 48 consecutive hours to submit your award back onto LearnADR.

The assessment fee is not included in the course fee. It must be registered and paid for separately. The assessment fee is £408 inclusive of VAT.

Results are dispatched to candidates approximately twelve weeks from the date of the submission of the assessment.

What is the programme fee and what does it include?

The programme fee is RM8,500 for CIArb members (Non-Members = RM9,000). The fee includes registration on the programme, study materials, lunch and refreshment throughout the day. Candidates are advised to refer to the Fee Terms and Conditions which details other fees that may be relevant.

What happens when I register for the programme?

Upon successful registration on the programme, candidates will receive confirmation they are booked on the programme. Joining instructions and course materials will be sent to candidates approximately 2 weeks before the course start date by email.

Candidates will be provided with an electronic copy of a Workbook to assist them with their studies together with a suggested reading list. It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with the relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognised standard textbooks to supplement their study in their respective jurisdiction where these are available.

What is CIArb's policy on cancellation of courses?

CIArb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CIArb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course. Should a candidate wish to cancel/defer their registration of a course, notification must be received in writing to ciarbmb@gmail.com. Deferral charges apply. Please refer to the Fee Terms and Conditions for full details.

What is my next step when I complete the programme?

On successful completion of this programme, candidates will:

- be eligible to apply for Member grade of CIArb, and take advantage of a range of educational and professional benefits; and
- be eligible for a Peer Interview for Fellowship.