

rise2018

RELEVANT / RESILIENT / RESPECTED



ABA

Australian
Bar Association



NEW SOUTH WALES
BAR ASSOCIATION*

INTERNATIONAL COMMERCIAL ARBITRATION

Justin Gleeson SC

Banco Chambers

Gitanjali Bajaj

DLA Piper Australia

Jesse Kennedy

New Chambers

Recent developments



- Key developments in arbitration in 2018
 - Third party funding
 - Diversity
 - Status of the TPP
 - Revisions to institutional rules
 - ACICA's Draft Procedural Order for the Use of Online Dispute Resolution Technologies

Why arbitrate?



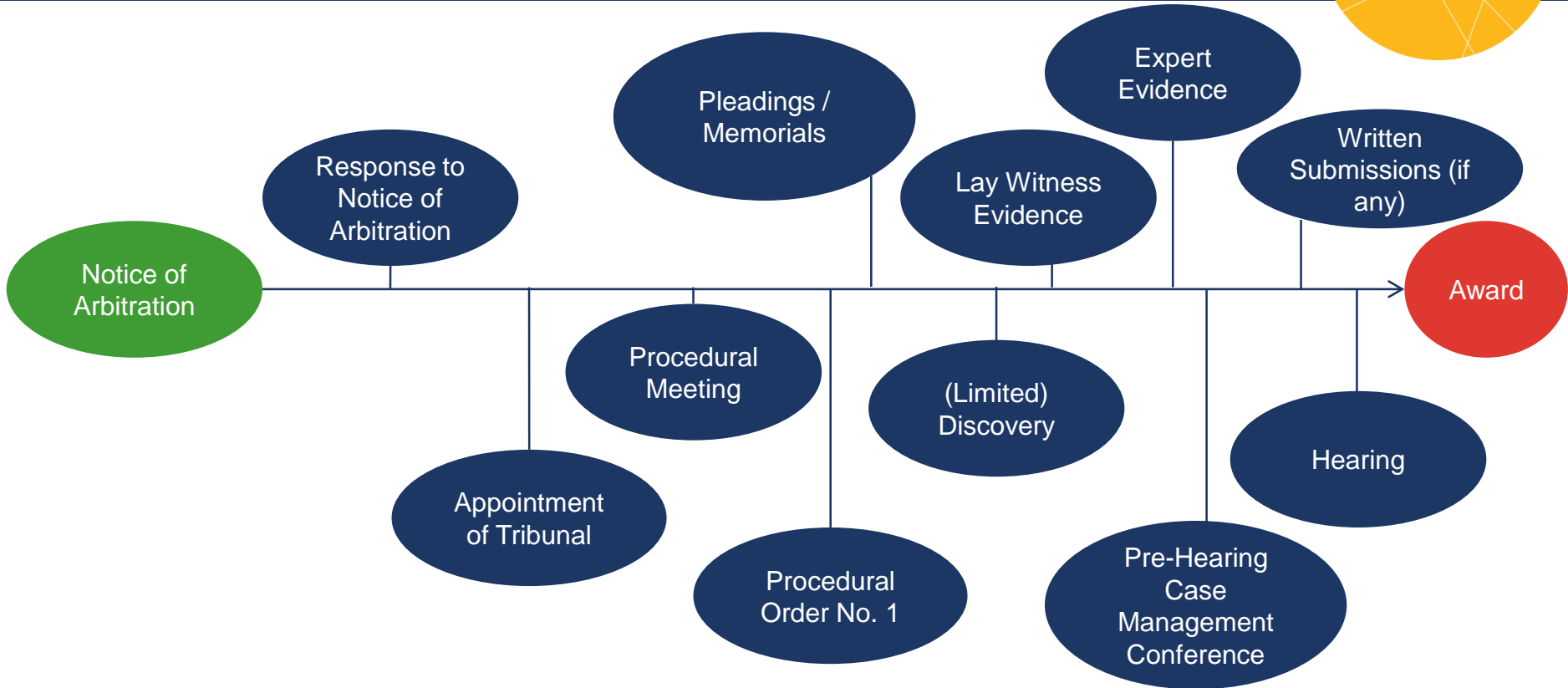
- Enforcement
- Confidentiality
- Choice of tribunal
- Choice of seat and institution
- Costs/efficiency?
- The 2018 Queen Mary International Arbitration Survey

Divergence from litigation



- Choosing your audience
- Pleadings vs memorials
- Document production
- Interim measures
- Evidence
- Written advocacy vs oral advocacy

Arbitration timeline



A hybrid system?



- Influences of common law vs civil law
- American vs Anglo-Australian traditions



Source: www.pbslearningmedia.org

Opportunities



- What opportunities exist for Australian practitioners?
 - Australia as a seat
 - Competing in Singapore, Hong Kong, elsewhere?
 - Industries using arbitration
 - Mind-shift required?

Resources for arbitration



- Key institutions (rules, model clauses, procedural orders, information)
 - PCA: <http://pca-cpa.org/en/home/>
 - ICSID: <http://icsid.worldbank.org/en/>
 - ICC: <http://iccwbo.org/dispute-resolution-services/>
 - Australian Centre for International Commercial Arbitration (ACICA): <http://acica.org.au/>
 - Singapore International Arbitration Centre (SIAC): <http://www.siac.org.sg/>
 - Hong Kong International Arbitration Centre (HKIAC): <http://www.hkiac.org/>
 - Resolution Institute (formerly IAMA): <http://www.resolution.institute/dispute-resolution/arbitration>
 - Chartered Institute of Arbitrators (CI Arb): <http://www.ciarb.net.au/>
 - Australian Disputes Centre: <http://www.disputescentre.com.au/arbitration/>
 - London Court of International Arbitration (LCIA): <http://www.lcia.org/>
 - Stockholm Chamber of Commerce: <http://sccinstitute.com/>

Resources for arbitration



- Awards, cases and arbitration documents
 - ITA Law (investment arbitration awards and documents): <http://www.italaw.com/>
 - CLOUT (cases under Model Law): http://www.uncitral.org/uncitral/en/case_law.html
 - Unilex (for awards involving CISG or UNIDROIT Principles): <http://www.unilex.info/>
 - International Arbitration Database: <http://arbitration.org/>
 - New York International Arbitration Center Resources: <http://nyiac.org/resources/>
 - Kluwer Arbitration (subscription only): <http://www.kluwerarbitration.com/>
 - Transnational Dispute Management (subscription only): <http://www.transnational-dispute-management.com/legal-and-regulatory-categories-browse.asp?type=8>
 - Global Arbitration Review (subscription only): <http://globalarbitrationreview.com/>
 - Investor-State Law Guide (subscription only): <http://www.investorstatelawguide.com/>
 - SCC Arbitral Awards (Juris Publishing)
 - ICCA Yearbook of Commercial Arbitration

Resources for arbitration



- Blogs and other useful resources

- Kluwer Arbitration Blog: <http://arbitrationblog.kluwerarbitration.com/>
- International Economic Law and Policy Blog: <http://worldtradelaw.typepad.com/ielpblog/>
- Law of Nations Blog: <http://lawofnationsblog.com/>
- Marc Goldstein Arbitration Commentary: <http://arbblog.lexmarc.us/>
- Opinio Juris: <http://opiniojuris.org/>
- Lex Arbitri – Indian Arbitration Blog: <http://lexarbitri.blogspot.com/>
- American Society of International Law: <http://www.asil.org/topics/transnational-litigation-arbitration-dispute-resolution-topics>
- European Society of International Law: <http://esil-sedi.eu/>
- Australian and NZ Society of International Law: <http://www.anzsil.org.au/>
- International Law Association: <http://ila.org.au/>
- Asian Society of International Law: <http://www.asiansil.org/>
- ICCA: <http://www.arbitration-icca.org/>
- IBA, Arbitration Committee: http://www.ibanet.org/LPD/Dispute_Resolution_Section/Arbitration/Default.aspx
- IA Reporter (subscription only): <https://www.iareporter.com/>