

Management Techniques in International Arbitration

Opposing Perspectives: Counsel and Arbitrator



29th April 2019

6.00 p.m. - 7.30 p.m.

Seminar Room 1, AIAC

The objective of the seminar is to demonstrate to the participants that while there are differences in approach, the overriding priority to establish a process to lead to a resolution of the dispute which is binding and enforceable at the instance of the successful party is common in the strategies employed by parties and the tribunal alike.

A key feature in all the strategies is the management of the parties' legal and cultural expectations which feed into their views of both the substantive and procedural issues in the arbitration.

The intention is to have an interactive discussion between Ms. Karen Gough and Mr. Joe-han Ho, moderated by Mr. Vinayak Pradhan, sharing examples and lessons learned from the various stages of the arbitration process from the perspectives of party representatives and the tribunal. It is hoped that the audience will engage with the speakers and the moderator to promote a lively debate.

There are 6 broad themes for discussion. None are controversial per se, but as Mr. Joe-Han Ho and Ms. Karen Gough will demonstrate, even a seemingly "vanilla" process, if not managed effectively by the representatives and tribunal, has the capacity to disturb and even derail an international arbitration. What works, and what should be avoided?

The following aspects of the arbitration process will be considered:

1. Appointment process: counsel choice/input into the process; arbitrator being approached, conflicts etc. What to do, and what definitely not to do!
2. The first and subsequent procedural orders/directions for the conduct of the arbitration; meetings between the parties and the tribunal; establishing an agenda for the arbitration, settling an appropriate procedure.
3. The "pleading out" process of the claims and defences, liability and quantum issues. Civil/common law approaches; contents of submissions and accompanying documents.
4. Expert evidence, presentation orally and in writing. The regulation of meetings and reports from the experts by the tribunal and involvement of the parties.
5. Hearing tactics: submissions, witnesses of fact, dealing with experts effectively. Providing real assistance to a tribunal.
6. Oral/written submissions at the beginning and end of the hearing; the resulting Award.

ADMISSION IS FREE. LIMITED SEATS AVAILABLE

MODERATOR



Vinayak Pradhan
AIAC

Vinayak Pradhan was appointed as Acting Director of the Asian International Arbitration Centre on 21st November 2018. He was on the panels of Conciliators and Arbitrators of ICSID, and also Vice Chair of the ICC Commission on Arbitration and ADR for 10 years.

Vinayak has been an arbitrator in many cross-border disputes. These include those relating to the laws of England, Nigeria, Pakistan, Vietnam, Qatar, the People's Republic of China, Mongolia, Hong Kong, India, Sri Lanka, Bangladesh, Thailand, the Philippines and Singapore. These arbitrations include those conducted under ad hoc arbitration, the ICC Rules, the AIAC (formerly KLRCA) Rules, the UNCITRAL Rules, the LCIA Rules, the HKIAC Rules, the PORAM Rules, the PAM Rules, the IEM Rules and the SIAC Rules.

Vinayak is also on the Register of Arbitrators of the Court of Arbitration for Sport (CAS), and was also appointed by CAS as one of the 6 ad hoc judges empanelled to deal with disputes arising out of the 2014 – 17th. Asian Games at Incheon, South Korea.

From 1998 – 2003, Vinayak was also a Commissioner with the United Nations Compensation Commission from 1998 to 2003 sitting on the corporate entities' construction and engineering claims panel making recommendations for the compensation due from Iraq as a result of the invasion of Kuwait and related events.

SPEAKERS



Joe-Han Ho
39 Essex Chambers

Joe-han Ho is a barrister at 39 Essex Chambers, London and has a broad commercial practice. He has experience in a range of commercial matters, including contractual disputes, insolvency, civil fraud, construction, banking, financial services (including interest rate swaps litigation) and international arbitration.

Before transferring to the Bar, Joe-han qualified and practised as a solicitor at Cleary Gottlieb Steen & Hamilton LLP. He also taught Trusts & Equity at King's College London for a number of years, and has published articles (inter alia, in the Journal of Business Law, and Trusts & Trustees) that addressed commercial law issues in contract law and trusts law.

Joe-han holds law degrees from Durham University (LLB; ranked 1st in year), Harvard Law School (LLM), and the University of Oxford (BCL). He is also a Jarman Scholar of the Inner Temple (ranked 1st in year in advocacy). He also speaks Mandarin Chinese and Cantonese.



Karen Gough
39 Essex Chambers

Karen Gough is a barrister in practice at 39 Essex Chambers, London. She is also an Attorney-at-Law with full rights of audience in Jamaica and Trinidad and Tobago. She is a past president of the Chartered Institute of Arbitrators, a Chartered Arbitrator, a Fellow of the AiADR, a member of a number of arbitral institution panels, and an accredited adjudicator. She is an acknowledged expert on the resolution of disputes arising under the FIDIC forms of contract. She is an expert "Friendly Reviewer" of the FIDIC 2017 Forms and a member of the AIAC Expert Advisory Committee contributing to the drafting of the new KLRCA/AIAC Standard Form Contracts, including the new 2019 revised forms.

Karen specialises in complex major construction, engineering, infrastructure and energy disputes, and general commercial litigation, with a strong emphasis on international commercial arbitration and ADR. She practises globally as counsel, arbitrator, adjudicator and ADR neutral and in the UK has appeared before the courts at all levels, including the Privy Council. She lectures and presents extensively internationally on issues relevant to construction and energy law and practice, international commercial arbitration, and ADR.

From 2015-2017 she served as the first lay chairman of the Institute of Chartered Accountants' Insolvency Licensing Committee. She is currently a Council member of the Society for Construction Law in London.

She is described as "Just the person you want if the battle is going to be hot" in construction claims, and having "immense arbitral experience" by Chambers UK, and by Legal 500 as 'Practical advice, amazingly perceptive, able to cut through complex questions, loved by clients for her no-nonsense approach', "outstanding in her detailed and analytical grasp of her field and fearless in her protection of the client" and "The sort of advocate that most clients dream of instructing."

For registration, please email your details below to events@aiac.world

For more information, please contact +603 2271 1000

Full Name : _____

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