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IBA Arb40 Common Heritage of International Arbitration Competition for the Most Meaningful Personal Stories

Compendium of winning stories

Contents

Preface	3
Introduction	5
The competition	8
Winning entries and sponsoring organisations	9
Winning stories	
Overall winners	10
Claus von Wobeser (Mexico), <i>Arbitrator or mediator?</i>	10
Rizki Karim (Indonesia), <i>The most perfect days</i>	12
Category winner: Making history	14
Lucy Greenwood (United Kingdom), <i>The route to greener arbitrations</i>	14
Category winners: How it all started	16
Janice Cheng (Hong Kong), <i>How it all started</i>	16
John Gaffney (United Arab Emirates), <i>When you put your hand to the plough, don't look back</i>	18
Category winner: Virtual reality	20
Elizabeth Chan (Hong Kong), <i>When digital and physical worlds collide</i>	20
Category winners: Call for diversity	22
Namrata Shah (India), <i>Call for diversity</i>	22
Mirèze Philippe (France), <i>Daring quietly ...</i>	24
Category winners: The arbitration socialite	26
Lisa Resier and Ulrike Gantenberg (Germany), <i>When life gives you lemons, make lemonade!</i>	26
Category winner: The additional award	28
Jan Paulsson (Bahrain), <i>Reflections on mentorship</i>	28
Michael Hwang SC (Singapore), <i>Arbitrations in India</i>	30

Preface

In the world of international arbitration, where diverse cultures, legal systems, and traditions intersect, the richness of this field lies not only in its complex legal mechanisms but also in the myriad personal stories that shape its common heritage. As stakeholders, we are bound together by a shared passion for resolving cross-border disputes, seeking justice, and fostering harmonious global relations.

This publication is a testament to the power of storytelling, where individuals from all corners of the globe come forward to share their unique experiences, insights, and encounters within the realm of international arbitration. Within these pages, you will find tales of challenges and triumphs, moments of profound clarity and perplexing ambiguities, and the resolute pursuit of resilience and growth amidst a dynamic and ever-evolving landscape.

Each narrative carries with it the essence of a global journey and reflects the human side of international arbitration, reminding us that it is not just a mechanism for dispute resolution, but a conduit for cross-cultural understanding and a celebration of our shared humanity.

May these stories inspire us to continue fostering cooperation, embracing diversity and innovative ideas, learning from one another, and strengthening the fabric of our shared commitment to justice and peaceful resolution.

Valeria Galindez and Xavier Favre-Bulle

IBA Arbitration Committee Co-Chairs

Like many other social organisations, the international arbitration community is defined through practice and interactions among its members and is based around common interests, values, and experiences. Sharing is therefore simply essential for the development of such a community. By telling their stories, arbitration practitioners can contribute to shape a common heritage, aiming to benefit the arbitration society as a whole, and not just single individuals. This heritage should be held in trust for future generations.

It is with this goal in mind that the IBA Arb40 Subcommittee launched a new competition seeking to gather meaningful personal stories and anecdotes about international arbitration, with shortlisted entries to be published in a unique compendium. This collection of stories therefore intends to strengthen our professional and human relationships after an unprecedented time of separation, and ultimately to preserve and learn from the collective legacy developed by the international arbitration community to date. Such legacy is a common good that does not result from the mere sum of different experiences, but rather from the exchanges between professionals.

Members of the international arbitration community of all ages have been invited to submit entries falling within one or more categories identified in the competition rules and concerning a diverse array of topics, ranging from career triumphs to diversity in international arbitration. The submissions have been reviewed and scored based on defined criteria by a jury comprising members of the IBA Arb40 Subcommittee. The

most meaningful stories within each competition category and the best stories overall have been awarded prizes. All prize-winning entries have been published in the compendium.

The jury noted the remarkable quality of the submissions, which have been received from all around the world and represent a cross-section of the international arbitration community. The common denominator is the human side that all the accounts reveal. Be it a story coming from an experienced practitioner about the dangers and the usefulness of technology, or a tale of a young lawyer on the opportunities that might arise from tragic circumstances, all the stories have been told through the (very) personal lens of the narrator and protagonist. It is perhaps for this reason that they all contribute enormously to the enrichment of our community.

Finally, we would like to thank all the people who made this competition and compendium possible, as well as our sponsoring organisations.

Juan Felipe Merizalde and Agnès Bizard

IBA Arb40 Subcommittee Co-Chairs

Introduction

It is March 2020. The coronavirus has begun to sweep the globe. Borders are closed. Cities are locked down. Life as we know it is grinding to a halt.

The Covid-19 pandemic would go on to have a profound impact on all aspects of personal and professional life. In an area of legal practice that stretches beyond borders, the impact on the international arbitration community was sure to be significant. In a testament to the flexibility often hailed as a key advantage of arbitration, the practice adapted. Hearings and conferences moved online, we traded our suits for sweatpants and slippers, and business continued – mostly – as usual. But what of the personal connections, networking and mentorship? We could make our submissions on Zoom or Teams, and learn about the latest case developments over a webinar, but what about the personal stories and connections that would usually be shared in the corridors of the office, over coffee, or at a hearing or event?

The restrictions that were put in place prevented these interactions among the international arbitration community and highlighted the importance of not only finding alternative means to sustain exchanges of experiences, but also of preserving, and learning from, the collective legacy developed by the community to date. It was against this background that the IBA Arb40 Subcommittee launched a competition seeking to gather meaningful stories about our shared experiences and to publish them in a unique compendium. Drawing on the public international law concept of the common heritage of humanity, we sought to create this compendium as a contribution to the continuing legacy of the international arbitration community as a whole during an unprecedented moment of disconnection and uncertainty.

In a true reflection of the spirit of the community, international arbitral institutions and organisations from across the world joined the cause and helped us spread the word of the competition. We are very grateful to the following organisations who allowed us to share the message far and wide: ACICA45, ALARB, HK45, HKIAC, IBA, ICC YAAF, ICSID, Investor State Law Guide, Jus Mundi, LCIA's YIAG, SIAC, Wolters Kluwer, Young MCI and YSIAC. Thanks to their generous assistance, the competition was able to attract entries from all around the world. Reflecting the truly international nature of our practice, submissions were received not only from traditional arbitration hubs like Paris and London, and regional centres like Singapore and Hong Kong, but also from Bosnia & Herzegovina and Bahrain, to Italy and Indonesia, and from countless countries in between. In total, we received submissions from 16 countries across six continents.

The wide reach of the competition has ensured that this compendium reflects a true cross-section of the international arbitration community. The collection includes stories from established practitioners and true arbitration heavyweights, as well as those who are just starting out in the field. Alongside stories of arbitrations gone awry there are accounts of career triumphs, and next to tales of the latest technology there are excursions back to the early days of printed documents and pencil-filled margins. There are stories of a deeply personal nature that speak to the sacrifices made for the sake of professional success, and stories which demonstrate a commitment to the greater good of the profession. But as diverse an array of topics as the stories published in this compendium cover, they are also bound by a common thread: an appreciation of the human nature of international arbitration and the importance of maintaining camaraderie, mentorship and connection.

The themes of this competition are exemplified by our two winning stories. Rizki Karim's 'The most perfect days' is a poignant account of a junior practitioner spending precious time with his father – an experienced arbitrator – to bring him up to speed with the latest technology used in remote hearings. His story, set against the tragedy of the pandemic, highlights the unexpected opportunities for connection and learning that came from it, and honours his father as an individual that reflected the core attributes of an arbitrator. Claus von Wobeser's 'Arbitrator or mediator?', on the other hand, is a frank confession from a senior practitioner that takes us back to the early days of the advent of email. Claus von Wobeser warns against haste and encourages us all to seek the counsel of our colleagues in making important decisions, and his advice about the dangers and usefulness of technology are as apt today as they were two decades ago.

Other winning entries selected by the jury stood out as capturing key milestones in recent arbitral practice. Lucy Greenwood's Campaign for Greener Arbitrations has undoubtedly made history, encouraging the international arbitration community to think and do better about our collective and individual impact on the environment. Mirèze Philippe in her story reflects on the work that has been done (and still needs to be done) to promote women in international arbitration. And Namrata Shah observes that diversity is about more than just gender and challenges the reader to consider the difficulties faced by practitioners outside of Europe who wish to break into the field. Other stories highlighted innovations that create new connections in our professional community. Elizabeth Chan takes the reader into the metaverse, showing how technology can foster inclusion and participation, and might even lead to a virtual reality hearing one day. Lisa Reiser and Ulrike Gantenberg highlight the real-life connections made through Arbitration Lunch Match. Our entrants also had words of wisdom and encouragement for those practising international arbitration. Janice Cheng describes how fortuitous events in our lives can coincide with career-defining opportunities, and she offers words of encouragement and inspiration for those starting their careers. So too does John Gaffney, who recalls the sacrifices and rewards that face those dedicated to their profession. Finally, Jan Paulsson reflects on the critical (and gratifying) role of mentors and encourages young arbitration practitioners to find and foster their own unique voices, while Michael Hwang SC reflects on his experience acting as an arbitrator in India.

The jury was extremely impressed by the quality of entries, and the difficulty in selecting category winners is reflected in the fact that numerous entries are listed as 'Highly commended' and will be published separately online. As the joint winners of the Competition, Rizki Karim and Claus von Wobeser will receive prizes, generously donated by our sponsors, which reflect the core themes of the competition: creating connections and sharing knowledge.

Grand prize:

To be enjoyed by each overall winner:

- A complimentary pass to the 2023 IBA Conference in Paris
- A one-year subscription to SIAC's Asia International Arbitration Journal
- A one-year subscription to the HKIAC's Case Digest
- A one-year subscription to Investor State Law Guide

Prize for each category winner:

To be enjoyed by a student nominee of their choosing:

- A one-year subscription to Jus Mundi Legal Research

We are grateful for these generous contributions and are confident that they will help to further the continued exchange of ideas and the forging of connections in our community.

This compendium and the competition have been the product of a collaboration among a group of volunteers, including members of the IBA Arb40 Subcommittee. We would like to give particular thanks to the following individuals:

Juan Felipe Merizalde

Agnès Bizard

Hamid Abdulkareem

Anina Liebkind

Daryl Chew

Nicola Peart

Ashley Chandler

Julio Rivera Ríos

Alipak Banjeree

Sheila Ahuja

Yehia Shahine

Chloé Vialard

Artis Straupeniēks

Rishabh Raheja

We would also like to give thanks to our sponsoring organisations.

The competition

Competition entries were required to be accurate, reflect personal experiences, not exceed 750 words, and not contain confidential or privileged information, and information that could possibly identify the described events or actors. Competition entries were to be submitted under one or more categories identified in the competition rules, including:

- *Making history*: stories about significant milestones in modern international arbitration history, including seminal cases, key doctrines, publications, the development of arbitral institutions and other organisations, etc, and the impact of these milestones on how arbitration is practised today.
- *How it all started*: stories concerning students, interns or junior associates, as well as mootings and interviews, with a focus on the experiences of the rising stars in international arbitration and/or advice to prospective entrants into the field of international arbitration.
- *Virtual reality*: stories about lessons learned from the recent phenomena of virtual hearings and other digital interactions.
- *The arbitration socialite*: stories about the importance of networking events, mentoring, coffee breaks, dining, celebrations, etc.
- *Call for diversity*: stories about diversity in international arbitration, as well as about the challenges faced by its individual members and the work that remains to be done.
- *The additional award*: worthwhile stories that do not fall within the above categories.

Competition entries were reviewed and scored by a jury composed of Members of the IBA Arb40 Subcommittee, based on the following defined criteria:

- (a) learning output and contribution to the body of international arbitration knowledge (20 points);
- (b) interest to community at large, relevance to ‘a common heritage and spirit’ and meaningfulness (20 points);
- (c) novelty (10 points); and
- (d) coherence and presentation (10 points).

The jury retained the discretion to add or remove considerations to guide their assessment of submissions.

The winner(s) of each category has been honoured in this publication, with overall competition winners awarded a grand prize generously supported by our prize-giving sponsoring organisations.

Winning entries and sponsoring organisations

Winners

Overall winners

Claus von Wobeser (Mexico)
Rizki Karim (Indonesia)

Category winners

Lucy Greenwood (United Kingdom)
Janice Cheng (Hong Kong)
John Gaffney (United Arab Emirates)
Elizabeth Chan (Hong Kong)
Namrata Shah (India)
Mirèze Philippe (France)
Lisa Reiser & Ulrike Gantenberg (Germany)
Jan Paulsson (Bahrain)
Michael Hwang SC (Singapore)

Highly commended

Kevin Kim (South Korea)
Ali Selim Demirel & Ceyda Sila (Turkey)
Chris Campbell (Italy)
Christianne Noelle de Vera (Philippines)
Ilma Kasumagic (Bosnia & Herzegovina)
Isabel San Martín (United Kingdom)
James Ferguson (United States)

Sponsoring organisations

Prize givers

International Bar Association (IBA)
Hong Kong International Arbitration Centre (HKIAC) and HK45
Singapore International Arbitration Centre (SIAC) and Young-SIAC (YSIAC)
Wolters Kluwer
Investor State Law Guide
Jus Mundi

Competition sponsors

Australian Centre for International Commercial Arbitration (ACICA) and ACICA45
La Asociación Latinoamericana de Arbitraje (ALARB)
ICC Young Arbitration & ADR Forum (YAAF)
International Centre for Settlement of Investment Disputes (ICSID)
London Court of International Arbitration (LCIA) and the LCIA Young International Arbitration Group (YIAG)
Mumbai Centre for International Arbitration (MCIA) and Young MCIA

Winning stories

Overall winners

Claus von Wobeser (Mexico)

Arbitrator or mediator?

In the mid-90s, the internet and email were scarce, especially in law firms. Back then, parties and tribunals communicated via physical correspondence and occasionally via fax. As I have always supported technological innovation and its implementation in legal practice, I made arrangements so that our law firm had an email account. Instead of having individual accounts for each member of the firm, we just had a single account to be used firm-wide, managed by one of the firm's secretaries. I have never considered myself a 'techie', so even though I was very enthusiastic about how email could expedite communication, I had little intention of learning how to use it alone. In hindsight, I should've learned from the beginning.

After witnessing how effectively email could handle communications, I decided to propose it as the ordinary means of communication with the parties in one of the first cases where I sat as President of the Tribunal. That case was particularly important to me. Most of my legal practice at the time focused on transactional work, but I was eager to build a name for myself in the arbitration arena. Additionally, my co-arbitrators were much more senior practitioners with a world-renowned reputation in international arbitration. I deeply admired them and wanted to impress them. In short, the stakes were high, and I wanted everything to be as neat and organised as possible. To keep good order, the secretary in charge of the email account created two mailing lists, one including the parties and the Tribunal and the other with just the co-arbitrators.

Everything worked smoothly up until shortly after the Tribunal's deliberations. During the deliberation, I would draft a short memorandum with the key takeaways of the deliberations and, most importantly, the decision we reached. I prepared the memo accordingly and gave it to the secretary that handled the firm's email account to circulate it to the arbitrators – or at least I thought so.

It is hard to overstate my shock when I realised that she sent the memorandum to the mailing list with all the parties instead of only sending it to the co-arbitrators. So now the parties knew the Tribunal's decision, even though they had not filed their post-hearing memorials yet! It was a complete disaster. I am still unsure if my instructions were unclear or if the mistake was hers. The only thing sure at that point was that my arbitration career was over.

I couldn't sleep that night. Even today, almost thirty years later, I occasionally have nightmares about that mistake. However, on that sleepless night, I decided that the only thing to do was to apologise to the parties for the mistake and resign as their arbitrator so that someone else could decide the case. The following day I called my co-arbitrators to inform them of my decision and, frankly, to mourn my now-dead career in arbitration. Much to my surprise, these two senior and knowledgeable arbitrators advised me not to resign as arbitrator and not to apologise to the parties for this massive mistake. Instead, their advice was to do nothing.

After long consideration, I decided to listen and defer to their experience: I did nothing. Nothing happened for a while, yet the parties' silence haunted me. Those were the most stressful days of my career as an arbitrator, and my mind kept coming back to the idea of apologising and resigning. However, the parties' silence couldn't last forever, and we finally heard from them one day: they had settled the dispute! I was as ecstatic as I was confused.

Honestly, I still don't know what the parties thought or why they settled. I can only speculate that they thought I intentionally sent the memo as a bold mediation technique. Unfortunately, I will never know, so the only thing I can do is to draw on the lessons I learned from that awful experience.

1. Technology is a tool but also a weapon. If you don't know how to use it, it will end up hurting you. For example, had I diligently mastered the use of email, I could have avoided this problem.
2. Never rush to act; listen first, especially if the advice comes from those with more experience. If I had rushed to apologise and resign before listening to the wise words of my experienced co-arbitrators, word of my mistake would have spread like wildfire, and you wouldn't be reading this in an arbitration forum.

Rizki Karim (Indonesia)

The most perfect days

My father was not particularly ‘tech-savvy’. As a middle-aged man, he was quite stereotypical – he put his phone too close to his face during video calls, communicated by phone calls (sometimes in speaker mode), and struggled with gadgets. And, as a law firm partner, he still asked for any advice that was to be signed by him to be printed on paper, which he would then review with a pencil. He would scribble revisions on the paper’s margins. Not environmentally sustainable, admittedly, but that was the olden way; that was his way. It was thus ironically apt, that he became the arbitrator to hold one of the first – if not the very first – virtual arbitration proceedings in Indonesia back in 2020.

My father was a lawyer specialising in, among others, arbitration. Indeed, his law firm in Indonesia had vast experience in arbitration. After graduating from law school years ago, I began my career in his firm.

My father was a listed arbitrator on the panels of several arbitral institutions. One was the Indonesian Capital Market Arbitration Board (Badan Arbitrase Pasar Modal Indonesia or BAPMI), Indonesia’s capital market-specialised institution. When the pandemic hit in early 2020, many arbitral institutions halted their operations. It took time to get used to the new normal: installing virtual platforms, familiarising ourselves with work-from-home, practising safe distance, etc.

In mid-2020, my father was appointed as the presiding arbitrator in a BAPMI case. At the time, there were no professional virtual hearing service providers available. And, even if there were, such services could be quite costly. While other bigger institutions might easily afford it, a sectoral institution with a more niche market would have found it more difficult to access those services. Hence, the case management had to be fully handled by the arbitrators themselves. I was asked to assist as well, as the tribunal secretary. For a sectoral arbitral institution, every little bit helps.

Thus, it became my task to arrange virtual hearings for my father. I prepared the virtual hearing toolkit in the living room of my father’s house. Laptops, a 360-degree camera, microphones, speakers, and perhaps most importantly, a portable internet router. Yes, the house itself had wi-fi, but with that connection shared by six people – my mother and three siblings were all doing either work/school-from-home – it would have been a risky approach.

And of course, I had to teach my father how to ‘Zoom’. To teach someone elderly how to speak directly into the microphone; how to remind them consistently to unmute before speaking, and mute again after; how to explain to them we did not have control over the connection stability – the struggle was real. Oh, the daggers he stared at me every time the video lagged even for a little bit.

Eventually, though, he got used to it. The case went on with minimal fuss and he was even appointed for more cases subsequently. All were held fully remotely, even when the pandemic cooled down a bit. There was talk of having an offline hearing, at least for the more complicated stage like cross-examination. However, because my father was elderly with comorbidity in the form of chronic blood cancer, it would still have been too great a risk.

Over the course of mid-2020 until early 2021, my father presided over another three arbitration cases. The last of those ended in June 2021. In the following month, the Delta variant of coronavirus created havoc

across the country, resulting in what probably was the worst period in Jakarta during the whole pandemic. Level 4 – the highest on the spectrum – was announced at that time.

My father was one of the millions that contracted the virus during that period; but unlike many luckier ones, he was not able to recover. The blood cancer he had struggled with for over a decade, amplified by the virus, was ultimately too much for him. On 6 July 2021, he passed peacefully in his sleep.

Being an arbitrator was one of the proudest achievements of my father's career, so he told me numerous times. To be given the parties' trust to examine and decide their disputes; it was never something he took lightly. Integrity, a sense of justice, and honesty. Those are the paramount qualities essential for an arbitrator, completed only with the expertise required and mastery of procedural laws.

Looking back, in this young arbitration career that I have had, in those few months, in those few cases where I was the secretary to the tribunals over which my own father presided – those were the most perfect days I have ever had.

Category winner: Making history

Lucy Greenwood (United Kingdom)

The route to greener arbitrations

In October 2018, I chaired a large energy arbitration at the Four Seasons Hotel in Houston, Texas. The hearing lasted over two weeks and was expertly and robustly argued by counsel. Complex expert evidence was submitted. There were documents. Thousands of documents. Although, to our credit, the Tribunal had encouraged counsel to present documents electronically, we had been nervous about the technology failing and had agreed to a set of printed binders ‘just in case’. At the end of the hearing, when counsel, experts, clients and witnesses had faded away, I stood in the empty hearing room, looked at the wall of printed documents behind me and realised that not a single binder had been opened during the course of the hearing. Everything had been done on screen. I sighed and made my way to the airport. The documents, as per my instructions, were shredded.

I lived, very happily, in Texas from 2007 to 2017. During my time in Texas on a clear day I could see the refineries on the Gulf coast from my office. I could see nodding donkeys from the freeway. I drove 30 miles to work every day and filled up my minivan with gas at three bucks a gallon. All my clients were energy companies; all my work was hydrocarbon based. Although I saw my clients evolve and embrace environmental principles in their businesses, I didn’t really think much of it. Even though I was quite environmentally aware in my personal life, when it came to my professional life, the environment, in my mind, was someone else’s problem. By the time of this hearing, I had been back in England for just over a year but had been travelling between the United States and the United Kingdom for work without a thought to the wider implications of my travel. It was in that empty hearing room that I realised I needed to change. Quite simply, arbitration practitioners were deeply out of touch. We had flight pride instead of flight shame, or in Swedish, *Flygskam*.

From that realisation the Campaign for Greener Arbitrations was born. I returned to England and wrote a post on my blog entitled ‘A Zero-Impact Arbitration? Let’s Talk’ in which I agonised about how, as an arbitration community we had talked a lot about how we might arbitrate climate change issues, but we had not spent the same amount of time talking about how we might address our contribution to global warming. In that blog I made a simple pledge: that I would seek to run my arbitrations in a more environmentally friendly way and that I would encourage counsel appearing before me to do the same.

After four years, a global pandemic, and an enormous amount of hard work by an exceptional team of volunteers, that initial green pledge has evolved into a global campaign. The Campaign for Greener Arbitrations has conducted research into the carbon footprint of an international arbitration (spoiler: it is huge), produced six Green Protocols (guides to help arbitrators, institutions, conference providers, law firms and parties manage their practices more sustainably), developed a Green Model Procedural Order (which sets the framework for a greener arbitration), established eight regional committees spanning the globe, encouraged Global Arbitration Review to include questions on sustainability in its annual GAR100 questionnaire, and finally made the international arbitration community wake up to our impact on the environment.

We have certainly started a conversation, but the Campaign is committed to ensuring that we see less talk and more action. The pandemic pushed us all into this century in terms of our use of technology; I am determined that as arbitration practitioners we maintain this progress. We cannot slip back into our ‘flight shame’ ways.

When we talk about the devastation of Easter Island we ask, ‘why didn’t they look around, realise what they were doing, and stop before it was too late’? But I ask, ‘will arbitration practitioners still be proud of their travel schedules in years to come’? And I worry, is the pandemic simply a blip and will we all revert to our former ways? The Campaign, thanks to the immense hard work of so many committed volunteers, is here to make sure we don’t. To borrow from President Obama, ‘we are the first generation to feel the effects of climate change and the last generation to do something about it’. Please support the Campaign at www.greenerarbitrations.com.

Category winners: How it all started

Janice Cheng (Hong Kong)

How it all started

(A story dedicated to my soon-retiring boss, TCH, to whom I am forever indebted.)

It was the summer of 2009.

I had just completed my Masters in Industrial Relations and Human Resources at the University of Toronto, waiting to start my full-time job. I decided to visit my parents in Hong Kong.

After a scrumptious dim sum lunch with my father, we jumped into his car and went on a spontaneous construction site visit. He needed to check on the foundation works being executed by his construction company there, and me? I simply wanted to catch a ride home on the scorching summer day.

Fast forward to March 2014, after quitting my job in Toronto, getting a law degree in Hong Kong, securing a training contract with an international firm, getting married to the love of my life, giving birth to the most beautiful baby boy, and completing one out of four rotations of my training contract, I landed in the Construction & Engineering team as my second training rotation. Little did I know that this rotation was the prologue to my career in arbitration.

One late afternoon, one of my bosses asked me to attend a client meeting with him. The only information I was given was that a new client needed legal advice on an arbitration commenced against it, but boy, I was so very excited. Halfway through the meeting, I managed to piece the puzzle together and quickly realised that the arbitration related to the same construction project which my father had dragged me to in exchange for, shamelessly, a ride home. Thankfully, the arbitration related to the superstructure rather than that massive hole in the ground with fancy machines I saw for which my father's company was responsible.

A little more than a few drops of midnight oil were burnt conducting legal research and other tasks for this case in the months following. From considering whether the arbitration was properly commenced to whether there was a dispute in existence at the time of the notice of arbitration, I had never been more motivated. By the end of August 2014, I had to move on to my third rotation and was forced to hand over the case to the next trainee. To say that I was sad to leave behind work I tremendously enjoyed doing is a massive understatement.

After I completed my four rotations, I joined the same team as a qualified solicitor in September 2015. I was instantly put back on that same case, which took a detour to the court (but was quickly dismissed) whilst I was in my other rotations. The parties resumed the arbitration in December 2015. If there were hiccups in life, this case topped it all. The hearing only took place in December 2019, and the arbitrator found entirely in favour of our client in November 2020. Seven years. It took our client almost seven years to achieve justice. And this was how it all started.

I am now seven years into being an arbitration lawyer specialising in construction disputes. I have been blessed with two amazing bosses who have been nothing but supportive to me since my trainee days. Secretly, I was at least grateful that these two arbitration giants did not write me off. For prospective

entrants into the world of international arbitration, you may or may not be as lucky. But keep going. Be grateful, be humble and be graceful. Put in the hours and hard work, push yourselves out of your comfort zone and put your hands up for new work. Help others and share your knowledge and experience. Go out and meet new people. Find ways to contribute to your arbitration world. One day, you will look back and take comfort that you have left some footprints along the way.

Of course, that is easier said than done. I still struggle. There are the good days and there are the much darker ones. The one thing that has not changed at all, however, is my passion for the work I do. There may be days which seem impossible to live through, or even days when you are tempted to call it quits, but I hope you wake up the next morning feeling motivated again.

To close this story, I quote my favourite comic, *The Boy, the Mole, the Fox and the Horse*, by Charlie Mackesy:

‘This is getting harder,’ sighed the boy.

‘Then every step you take is a bigger victory.’

Best of luck.

John Gaffney (United Arab Emirates)

When you put your hand to the plough, don't look back

My first encounter with international arbitration, or should I say, international arbitrators, occurred 25 years ago. I was studying for an LLM in EU & International Trade Law at the University of Amsterdam, where the visiting faculty included international arbitrators.

A year later, I found myself serving as a legal officer at the United Nations Compensation Commission, where almost all panels, including the E3 panel to which I assigned, featured well-known international arbitrators. It was there that I caught the international arbitration bug.

However, instead of pursuing a career in international arbitration abroad, I succumbed to the call of home and returned to my native Ireland where, at the time, there was little scope to practice international arbitration. In doing so, I cast away a wonderful, unexpected potential opportunity to work with an up-and-coming international arbitration practice.

While I had the opportunity to work with, and learn from, some outstanding colleagues in Ireland, seven years later, I still could not shake off the international arbitration bug. I had obtained a diploma and had begun to publish in the area, which provided me with some fulfilment, but did not satisfy my longing to work in international arbitration.

And so, instead of becoming a full equity partner in 2007 in Ireland, I joined an international arbitration practice in London as a junior associate to begin my international arbitration career. It was gruelling to begin at the bottom of the ladder in my late 30s and to try to ascend the vertiginous slopes of international arbitration with a purely academic understanding.

There was a terrible personal cost too for my three young daughters and me, as it involved me living away from home and precipitated the end of my marriage. Following spells in Paris practising international arbitration and in Cork practicing Irish law, I moved to the Middle East to join the Abu Dhabi office of the largest law firm in the region. In the meantime, my daughters grew up. I missed much of their childhood.

I have been blessed over the years to work with, and across the table from, some extraordinarily talented international arbitration practitioners, from whom I have learnt much. I have travelled to many countries in my practice. I have formed a few close friendships and have done my best to mentor younger colleagues. I have continued my efforts to contribute to thought leadership in the area and to the international arbitration community, which can be challenging considering the intellectual firepower that is characteristic of the field.

I have enjoyed modest success at great personal cost for my loved ones and for me. Perhaps if I had pursued my interest in international arbitration much earlier in my career, the sacrifices that one must bear if one is to succeed in this field would have been mine alone to bear.

So, what is the lesson from this deeply personal account?

If you feel strongly attracted to working in this fascinating area, then pursue a career with focus, determination and commitment from the earliest opportunity. Aim to work for the best. Strive to gain an

outstanding reputation for probity, integrity and outstanding client service. Work harder than you thought was possible. Seize unplanned opportunities. Be humble and retain a sense of humour and perspective.

Having put your hand to the plough, don't look back.

Category winner: Virtual reality

Elizabeth Chan (Hong Kong)

When digital and physical worlds collide

Chapter 1: How it all started

‘You’ve got to try this,’ my husband said, putting an uncomfortable-looking Oculus Quest 2 virtual reality (VR) headset over my head. I was sceptical.

But then I ‘picked up’ a ‘paper’ aeroplane, literally made out of thin air (or more precisely, code made of zeros and ones). I flew it across the room and it soared – just like a paper aeroplane would.

I rode in a helicopter over Mount Everest – the 360-degree view of the sky and mountains took my breath away. The only thing that reminded me that this was not reality was the fact that I sat ‘out’ of the helicopter! (Technical glitches.)

In Horizon Worlds, I walked into a large atrium filled with strangers. The closer I got to them, the more I could overhear their conversations. Everyone was stretching out their hands in wonderment, hardly believing they could see their hands in the virtual world.

Could I host the first-ever virtual reality event in international arbitration?

There was only one way to find out.

Chapter 2: The first-ever arbitration gathering (27 January 2022)

I posted an invitation on LinkedIn for anyone in the world to join me on 27 January 2022 in a Horizon Workroom. I decorated the meeting room with my own posters. It was a ‘first-ever’ party, after all!

More than ten people came, some by avatar and most by video-link. Paul joked about how he couldn’t create an avatar that looked older than 12 years old. Embarrassingly, I only discovered I was on mute when Mihaela noticed that my avatar had been gesturing vigorously for a few minutes without any sound.

It was also my first time meeting someone by avatar whom I didn’t already know in the physical world. It did make me wonder how much his avatar resembled his ‘real’ person! This event made it clear that arbitration gatherings are possible. What could be next: a conference?

Chapter 3: A roundtable at Paris Arbitration Week (30 March 2022)

Together with other arbitration lawyers, on 30 March 2022, we hosted the first-ever conference in the metaverse as part of Paris Arbitration Week.

There were 16 of us round the table – all ‘in person’, while being physically located all around the world. The most incredible thing was feeling like I was presenting to an in-person audience. I could even hear those next to me more clearly than I could hear those at the other end of the room. I could even ‘high-five’ the person next to me and stars would fly!

This was a proper panel discussion, with four avatar speakers and a moderator. We introduced the idea of the metaverse and the web 3.0 digital economy, and their implications for dispute resolution.

Our 200 participants were so keen, we stayed for a whole two hours. We imagined where VR could take us: perhaps even virtual reality hearings?

Chapter 4: Mute-Off in the Metaverse (7 April 2022)

The Covid-19 pandemic propelled us into the virtual world: why should virtual reality not be the next frontier?

Through Mute-Off Thursdays, women in international arbitration found a way to connect virtually despite social and travel restrictions. It is a forum for sharing knowledge and offering support.

I figured the best way to share knowledge of the metaverse was to bring people there. On 7 April 2022, our panel in the metaverse was streamed via Zoom to a larger audience of 50.

It was one of the most thrilling discussions I've ever had on what the future holds for dispute resolution.

Chapter 5: Where to go from here?

This is my story of how I've tried to share my knowledge of VR and the metaverse to my field: each chapter evolving and improving. We're at the iPhone 2 stage of VR: promising but buggy and limited to early adopters. But in a decade's time, we may all be donning haptic gloves and headsets every day. As more and more of us engage in the web 3.0 digital economy, its complexity and richness will inevitably lead to novel disputes and legal issues. It is important for lawyers to understand these technologies now.

There's still a lot to explore. I'd love to see Vis Moot host the first-ever mock international arbitration hearing, with a tribunal of three members and counsel for each side. Or perhaps a mock cross-examination of an expert in the metaverse. I'd like the arbitration community to explore different metaverses together. Perhaps we host the next conference in an outdoor amphitheatre in AltSpaceVR.

Who's in?

Category winners: Call for diversity

Namrata Shah (India)

Call for diversity

‘So, everyone speaks English in the High Court? If I apply for a job at your firm but I can’t speak English, they won’t employ me?’

I was in a lawyer’s office in the District Court of Nasik, a small town a few hours away from Mumbai. I had just stumbled out of my car after a long road trip to defend a foreign client in domestic arbitration proceedings initiated by a local plaintiff. A young lawyer from the local attorney’s office came up to escort me to the courtrooms and struck up a conversation about the prospect of her coming to Mumbai and finding a job in the financial capital. She was asking me her questions in Marathi. I was responding in Hindi and, embarrassingly, broken Marathi. Hours earlier I had struggled over the phone to convey to someone from the client’s team (who only spoke Mandarin) that I needed to connect with the client (whose first language is Portuguese).

‘If the High Court passes judgments in English, isn’t that unfair? How do litigants understand? Most litigants whose cases go up in appeal to the High Court don’t speak English,’ she continued, disappointed when I tried, as gently as I could, to tell her that her opportunities in Mumbai’s legal fraternity would be limited without fluency in English.

Years later, I was applying for a job in international arbitration. The listing mentioned that fluency in Spanish was a plus, but not a requirement. When I spoke to someone who already had a job on the team to ask for advice on the application process, her first question to me was, ‘Do you speak Spanish? They say it’s not required but it is, and they get a lot of interest so this is the only way they can filter out applicants.’

As someone who comes from a tremendous amount of privilege in India, I find it interesting how Indians with privilege experience power and opportunity in one context and disempowerment and discrimination when we travel outside India. In India, I was once offered a job after the interviewer asked me where I lived – my address conveyed that I came from wealth and connections. However, for every application I have sent to employers outside India, my address is a disadvantage, bringing visa complications and cultural differences they would rather not deal with. Even when we speak of diversity and inclusion in international arbitration, are we really including that girl in Nasik who only speaks Marathi and hasn’t travelled beyond her city? Not really. We’re mostly speaking of upper class, privileged lawyers from big cities with a Eurocentric education – lawyers who will casually sling the word racism around when they travel abroad but will push back hard against affirmative action in India.

In international arbitration, nearly every job listing demands proficiency in at least one, and most often two, European languages. If only Europe hadn’t divided up the world so neatly between its nations, we might have had more than one coloniser to leave us the benefit of their languages. It doesn’t help either that our former colonisers are so begrudging with visas and work permits, something that nearly all employers expect potential employees to figure out themselves. When the underlying message is always ‘We don’t want you here,’ can we really say we believe in diversity?

I have come to realise that discussions around diversity, if done the right way, will always be uncomfortable – they compel us to take stock of our privileges, to confront our disadvantages, and to take responsibility for our intelligence and skills (or the lack of them). I know that real change is still generations away, whether on the global or local scale. At least in the international arbitration community, there is a willingness to have a conversation about diversity, the willingness to advocate for it, to think and write about it. I see how sharply these discussions in international arbitration contrast against local bar associations in India, which remain ‘old boys’ clubs’, and where any discussion on diversity will be flippantly brushed aside.

While decades of work may still stretch before us, I realise as I write that this essay itself is a privilege, made possible by the work of those who advocated for diversity and inclusion before me – something I haven’t done for my non-English speaking colleagues. Being able to speak about a systemic problem and having hope that one can change it is a seldom-acknowledged privilege in itself.

Mirèze Philippe (France)

Daring quietly...

On International Women's Day in 2019, Google displayed an inspiring slideshow with citations. One quote particularly resonated with me, as it ties in with efforts I've undertaken in the past 30 years. It is by Chimamanda Adichie, a Nigerian novel writer who said: 'I matter. I matter equally. Not if only, not as long as. I matter. Full stop!'

In 1993, Louise Barrington was at an ICCA congress meeting. In a room of 250 people, she noticed that there was hardly a handful of women. She then organised a dinner in Paris to gather female practitioners. The 60 of us who were able to join realised that we all faced barriers. We agreed to remain connected and contact other female practitioners.

The next day, we received criticism – from both women and men. We were considered by others to be troublemakers. They believed the gathering was a 'silly women's thing'. So, I asked a person who was mocking us what was wrong with women gathering, cooperating and developing their careers. His answer kept me speechless: 'You women are in the position you belong in: stay in your position, don't disturb us'.

This was an eye-opener! We were not allowed at the table. If this was meant to discourage me, it was certainly a poor choice. I was not going to stay in a position to which men wanted me to belong: backstage. It motivated me to create ArbitralWomen with Louise, to raise awareness about the dearth of women in dispute resolution, in lead positions, on tribunals, as speakers, and about the fact that talented female practitioners exist and should be offered equal opportunities as their male counterparts.

On one occasion, at a dispute resolution working group meeting, the chair of the meeting said in a room full of male and female lawyers: 'Can these ladies serve coffee?' Women present were shocked and did not move. A male colleague very kindly said: 'No sir, I will serve coffee.' We were grateful for his elegant move. A few years later, my law professor invited me to contribute to a *liber amicorum*. At the remittance ceremony, my professor started his speech by praising my work. The meeting chair was a man who was upset that women were present. However, after hearing my professor's praise, he stood up and started applauding me in a room packed with people.

Another time, I asked for an opportunity to present my research results on a dispute resolution topic. I was told that I needed to be a grey-headed man. Since the 'door' was closed to me, I tried the 'window' instead: I was not allowed to speak, so I published. Of course, this was no easy task for a woman in the 1990s.

Any initiative goes through three phases: during the first phase, the project is considered ridiculous; in the second phase, it is viewed as dangerous; and in the third phase, the project becomes obvious.

After having been considered ridiculous, founding ArbitralWomen was then considered dangerous – probably because we were competing with people who did not want to share the playing field, and because we encouraged every woman we met to join us. This generated continuous gossip about 'these women'. Is discrimination an unconscious or conscious bias? I am convinced it is both.

At one point I intended to publish data I had collected on the numbers of female arbitrators, but I was prevented from doing so. The numbers were alarming, and no one was willing to address the problem.

However – yet again – I persevered, and in 2010, I started to publish the numbers. In 2013 I published a few more, and in 2015, I finally published a full-fledged statistical report on female arbitrators.

This has brought us to the third phase, where addressing the dearth of women in the field has become obvious in the eyes of our detractors. They considered that anyone can do it. Indeed, but it requires willingness, courage, resistance, and perseverance.

A few years ago, ArbitralWomen went through a difficult period – something that could happen to any organisation. A male arbitrator told me: ‘ArbitralWomen cannot succeed – you need a man on the board.’ I answered that the boards of directors of companies, organisations and law firms have all gone through difficult times, and these happen to be mostly populated with men.

Looking back, it is rewarding to see that times have changed and the door is opening to women – although the door is not yet completely open, and in some countries, it is not open at all. Continuing our efforts is essential, as we are far from reaching complete equality.

Category winners: The arbitration socialite

Lisa Reiser and Ulrike Gantenberg (Germany)

When life gives you lemons, make lemonade!

Who has experienced, when flying business class, that the stewardess addresses the female passenger by her family name? It often happens. Why? Because she is the only female passenger. A name to be remembered, and specially for the flight crew.

It is no different in international arbitration. Just like in business class, it's common to be the only female in the hearing room, other than the court reporter and translators. The justification has often been that there are not enough women doing arbitration. However, now that Arbitration Lunch Match participants spam LinkedIn (#arbitrationlunchmatch) twice a year, across all time zones, with pictures of tables overcrowded with female arbitration practitioners from around the globe, there is colourful and joyful evidence of female power! Many incredible female arbitration practitioners exist – with all different years of working experience. This is a fabulous depiction, evidencing that the field of arbitration is capable of changing habits. What a success for an initiative that had started from a totally different setting.

Take the spring of 2020. The Covid-19 pandemic hit the globe. For a small crowd of 20 women in Düsseldorf, Germany, this meant no more open lunch meeting, which had occurred every first Wednesday of the quarter in the same restaurant. All 20 women worked in arbitration, and they all looked forward to these informal and fun gatherings. But they were all forced to work from home. No social contact. No physical hearings. No conferences. No meetings.

When restaurants reopened in Germany, authorities admitted – very German thinking – people from four different households to meet at the same table in a restaurant. The two organisers of the Düsseldorf lunch group, Ulrike Gantenberg and Lisa Reiser, decided to make the best of it. True to the motto 'when life gives you lemons, make lemonade,' Ulrike and Lisa decided to cut back their lunches to a maximum of four women. But the 'secret ingredient' to their lemonade was found when they decided that one key detail would not be revealed to their female colleagues: participants of the lunch would not be given the names of the other women with whom they have been matched. It was a blind date! The Arbitration Lunch Match was born.

What started as a small idea in three German cities in September 2020 became a global phenomenon within less than two years. International arbitration practitioners requested to (and still do) participate with women in their city and community in the Lunch Matches. For each new country added to the map of Lunch Matches, a system of 'ambassadors' is created. These ambassadors send out the invitations and coordinate the logistics with the restaurants in their hometown. With a little help from artificial intelligence, registrations worldwide are gathered and matched to find the perfect fit. During the last round of the Lunch Match in September 2022, over 1,300 women had blind date lunches in 44 cities across the world.

But Lunch Match is more than a lunch appointment in your calendar. It creates a sense of belonging. It is a community. The community of women in arbitration is not only big, but also connected, supportive – and

expanding. It is very comforting and encouraging, especially when you are used to being the only woman in the room.

Besides, Lunch Match creates memorable stories: some colleagues found a sense of belonging through their lunch group and continue to regularly meet with the same constellation. Some colleagues found a new work connection through Lunch Match. Some colleagues have re-established old friendships.

And while others may do island hopping in their vacation, female arbitration practitioners can do city hopping, while travelling on business and making new connections in cities far from home. As did a colleague from Hong Kong, who registered last minute for a lunch in Germany as her travel plans changed. She inspired the concept of a 'jumpseat' participation for last-minute business travellers during the event week. Women can reach out to Ulrike and Lisa to join a lunch in any of the 44 cities. As travel resumes once again, the adventure of lunching in another country with a group of foreign female practitioners is a fundamental contribution to the international character of the arbitration. Hopefully, the 'bitter lemons' of the Covid-19 pandemic will soon be gone, but Arbitration Lunch Match is here to stay. So, register, participate, and have a sip of lemonade.

Category winner: The additional award

Jan Paulsson (Bahrain)

Reflections on mentorship

(This is an extract from Jan Paulsson, *Laurie Craig: Reflections on Mentorship*, in *Liber Amicorum en l'honneur de William Laurence Craig*, coll. Mélanges, 2016, pp. 265–274. The following has been republished with permission of the authors.)

When the Pyramids Case started, I was 28 years old; by the time it ended, 42. Everything about it fascinated me: the law, the politics, and the personalities involved. As for the merits, the facts were of enormous interest, as was the law – from issues of applicable law to jurisdiction, from state responsibility to quantum. As for the strategy and the tactics, they played out against a kaleidoscopic forensic backdrop, as the protagonists found themselves in front of different sets of arbitrators, judges in a number of national jurisdictions, and even an ICSID ad hoc annulment committee.

From my point of view, however, a *leitmotif* from beginning to end was the role of Laurie Craig. Privy to all aspects of his involvement in the case, I consider it to be a remarkable study in mentorship. I was the beneficiary of this relationship. It was a gift, as university fund-raisers like to say, that keeps on giving. In what follows I shall identify some of its key elements.

[...]

Generosity. Mr Craig, as I (viewing him with the deferential eyes of the neophyte I then was) will refer to him, understood that a good leader is a resource – neither crutch nor slave-master. He understood that nothing motivates ambitious young people more than the opportunity to operate autonomously. Although this instinct must occasionally be checked, it is a powerful incentive which it is wrong to stifle.

I was not quite three years past my bar exam when SPP decided that it had no choice but to bring proceedings against Egypt arising out of the cancellation of a major destination resort project negotiated directly with the President and a number of his ministers. I read about it on the front page of the *International Herald Tribune* (as it was then called) drinking my coffee one spring morning in Paris. That very afternoon, out of the blue and by astonishing coincidence, I received a call from an SPP in-house lawyer in Canada who requested an appointment in Paris to talk to me about the ways and means of bringing a case against the Government of Egypt. He explained that he was consulting a number of practitioners and scholars in Europe before his company would choose its lawyers. I had never been approached by a prospective client before, and everything I did was naturally subject to the professional supervision of a partner. So, I reported the call to Mr Craig, who would have been in his rights to say ‘great, I’ll take it from here – please sit in and take notes...’ He could certainly have been justified in institutional terms; an opportunity for such a high-profile case should not be put at risk by leaving it with a greenhorn, who likely paled in comparison with the senior lawyers the man from SPP would also be interviewing in London and Geneva. It was certainly a fluke that I had been called in the first place. But that’s not how Mr Craig saw it. He saw a young lawyer brimming with ambition and unafraid of heights. He seemed indifferent to the temptation of taking the lead in this promising matter – as was his right, and perhaps on one view even his duty.

Many successful lawyers, I have observed, seem to be driven by deep-seated insecurity. They have difficulty resisting the urge to take credit for good work by their juniors, but little compunction about casting them adrift rather quickly when they have taken initiatives which turn out to be unsuccessful, or for some other reason do not please the client. They seem jealous of their claim to the first chair in hearings; it is always easy to say, ‘the client expects to see me’, rather than ‘the client will see what good judgment I have in choosing our juniors’. They are quick to point out minor flaws in otherwise splendid work; it is always easy to say, ‘my job is to teach perfection’. They are big oaks in whose shadow very little grows.

But don't imitate me! ‘Showing how it can be done’ is not the same thing as ‘here’s how to do it!’ In our challenging *métier*, our only hope to excel is to develop our *individual* talents, all the while compensating for our *individual* limitations. We cannot copy our mentors, because, first, we may have personal limitations which prevent us from using their tools, and, secondly, we should not disable ourselves from exploiting talents which may be ours alone. They are not handing out poems which we can simply recite. We can only listen to their music, remember that advocacy is improvisational, and that the artistry of jazz does not flow from sheet music. We must find our own way, our own voice.

Some advocates persuade with their passion and the irresistible power of their eloquence. They are kinfolk of Faulkner and Garcia Marquez: circumambient, convoluted, oblique – and great in their inimitable way. Others, like Laurie Craig, are less flamboyant, and attracted to the reductionist task of moving the lush but only marginally relevant vegetation to the side and exposing the decisive heart of each issue. As he would put it: ‘isn’t it a fact that what it comes down to is nothing more than this?’ and then presenting his argument in a few perfectly calibrated words that weigh a tonne, end the discussion, and simply don’t budge from the centre of the listener’s mind. Such pleaders are the relatives of Camus and Didion, also compelling in their own incomparable voices.

Strategy and tactics also have their distinct schools: some wage battles on all fronts with the heaviest ammunition available; others look for one unanswerable argument, or at the most two or three, that will cover all important aspects of the matter; yet again there are those who patiently seek to win the contest with a thousand little daggers, always accurate, always perfectly placed. They act in accordance with their nature, not because a mentor transformed their persona. Yet in all the profusion of voices and styles, advancement in the profession will have been immeasurably assisted and enriched for those who had the good fortune of encountering a mentor, perhaps of a radically different temperament than theirs, who nevertheless gave them the confidence, beyond the baseline of indispensable diligence and ethical conduct, to practice with total freedom.

And last but not least: the ultimate lesson of mentorship is how well rewarded it is, in ways that make material success or social status seem trivial. This too is a gift that keeps on giving; the mentor will never fade from the scene, but live on, in word and deed, as his way merges with the paths followed by others who also believed in the nobility of the profession and sought to perpetuate its civilising traditions, transforming aggression into debate.

Michael Hwang SC (Singapore)

Arbitrations in India

(This is an extract from Michael Hwang, *War Stories and the Morals to be Learnt*, pp. 67-77, in *Stories from the Hearing Room: Experience from Arbitral Practice. Essays in Honour of Michael E. Schneider*, Kluwer Law International, 2015. The following has been republished with permission of the authors.)

Arbitrations held in India can be trying on the staying power of foreign arbitrators. In one case, I sat as co-arbitrator in an ad hoc arbitration governed by the Indian Arbitration Act 1996 but without any arbitration rules. We had nine hearing tranches, and 26 hearing days for a construction dispute of moderate complexity (and this was only the time taken for determining liability; we then had to proceed to a quantum hearing). The reasons for this are:

(a) Hearing hours were strictly confined to 11.00am to 4.00pm with an hour for lunch, so there were (in theory) only five hearing hours a day. I was told that I was lucky to have even this window of time agreed on, as most arbitration cases heard in India only start after 5.00pm so that counsel can spend the earlier part of the day on their court cases.

(b) There was no verbatim transcription of the proceedings. Instead, we had a note-taker with a laptop who would only take down the evidence (and not the submissions of counsel or directions or remarks of the Tribunal) at dictation speed.

(c) As each question was asked, it was flashed up on a large screen in the hearing room after it had been recorded by the note-taker. The question was then subject to comments on how it should be improved from opposing counsel, and the Chairman of the Tribunal. When the form of the question had been settled, the witness would then give his answer. After that answer had been flashed up on the screen, it was subject to more comments from counsel and the Chairman, and the answer had to be redrafted accordingly. Questions and answers also had to refer to previous questions by their serial number (as each question was numbered as it was recorded) and documents by their number in the hearing bundle.

(d) This procedure meant that each question and answer took about 15–20 minutes to record.

(e) We had many days when we had to start late or finish early owing to various individuals' other commitments. At first, there were objections by opposing counsel to any requests for late starts or early finishes, but, as the case wore on, counsel became much more friendly, and (unfortunately for the Tribunal) each side was thereafter happily agreeing to any request for deviating from the limited hours fixed for hearing.

(f) Because each of the lawyers and arbitrators had packed calendars, it was difficult to allocate more than three or four days for each tranche, and the case simply dragged on and on. So, from the time the Tribunal was constituted to the date of the last hearing on liability, it took four years and eight months to conclude Phase 1 of the arbitration.

Moral 1: Patience is a much-needed quality in surviving arbitration hearings in India.

Moral 2: Do not undertake hearings without verbatim transcription.



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