

Arbitration Course

2 half days

What is arbitration?

Distinguish it from mediation, negotiation, court, adjudication, ombudsman

Uses and abuses of arbitration - cases where appropriate and not

Basic notions - arbitration agreement, fair procedure, binding adjudication

Institutional and ad hoc arbitration

Arbitration Act 1996

Advantages and Disadvantages of Arbitration

Cost and speed

Confidentiality

Enforceability

Debt collection problems

Expertise on the tribunal

Drafting the arbitration agreement

Future dispute arbitral clause

Resolving an existing dispute

Deciding who should be parties

Joining parties from other contracts

Need for agreement in writing

Arbitrators' power to decide on the validity of the contract

Appointing the arbitrator(s)

Numbers, qualifications and other criteria for selection

Appointing a chairman

Bias

Challenging arbitrators - in court

Paying arbitrators

Challenging the arbitrator's jurisdiction

Claims and disputes

Time-limits for starting arbitration

Before the arbitrator

Going to court

Procedure

Making and responding to the claim

Tailoring the procedure to suit the situation

Absence of agreement allows arbitrator to determine procedure

Different options for receiving evidence and determining its admissibility

Arbitrator facilitating settlement

Social elements of arbitration - meeting room, facilities

Applicable law

Ability to tailor

Use of non-legal standards by agreement

The Award

Key elements - finality, totality, binding quality

Setting aside proceedings

Exclusion agreements

Enforcement of awards

Binding effect of awards