



December 2014

www.arbitratorscompany.org



John Uff, Master

Members' News

NEW FREEMEN ADMITTED

The Company is pleased to welcome the following new members admitted on 15th July 2014:

**Nicola Amanda Cohen,
Charles Edwin Edwards,
Robert John Gay,
Howard Allen Jenkins,
Jonathan Lux,
Edward Akwasi Agyei
Oteng,
Edwin John Glasgow QC,
Samir Hesham Safar-Aly**

And new member admitted on 28th October 2014:

Sir David Foscett

NEW HONORARY FREEMEN ADMITTED

We are also pleased to announce the admission as Honorary Freemen of:

Major Sarah Garratt, c/o 13
Co Greater London ACF
Mrs Gaye Duffy, Clerk to the
Company 2001 - 2014

A MESSAGE FROM THE MASTER

It is already over a month into my Master's year and the Company is getting used to messages from Elinor our new Clerk. Her baptism took place at the Installation Dinner at Painter's Hall on 28 October when she undertook all the tasks involved in overseeing a Court Meeting and admission of new candidates, conducting the Installation of the new Master and Wardens and overseeing the reception and Installation Dinner itself—all carried out seamlessly---so welcome to the company Elinor and well done!

For the dinner the guest of honour and principal speaker was my former colleague and now distinguished member of the Court of Appeal Sir Rupert Jackson who gave us a highly entertaining account of arbitration in Medieval Scotland coupled with his own up-to-date ADR system contained in a mobile phone App. Before that I had the opportunity to outline what I have planned for the year ahead including some ideas on the direction which the Company should take in the coming months.

I noted that the modern Livery Companies had been set up to form a bridge between existing professional bodies and the City of London. In the case of the Arbitrators, this gave us a unique position to speak on behalf of the many bodies which make up the Arbitration and Dispute Resolution community in London and elsewhere. Those bodies included the Chartered Institute of Arbitrators and the London Court of International Arbitration, both of which were instrumental in our formation. But it was our Charter which now gives us the authority to "foster the profession of arbitration and other forms of private dispute resolution" and to act as the forum for members of all the professional bodies with interests in private dispute resolution and "to exercise the role of Livery company within the traditions of the City of London". So we are charged with upholding the interests of a wider profession, which includes many overseas bodies and practitioners in our field. Within the City, as one of the 12 Companies in the Financial Services Group, which acts as the Liaison Group with the Lord Mayor's office, we should regard ourselves as one of the Modern Great 12.

Forthcoming events are listed over the page, but two events have already gone by. On 25 November a party of 25 of us enjoyed Tim Pigott-Smith's performance as Charles III—a hugely enjoyable royal comedy (or was it more serious?). And on 12 November members and guests attended a Seminar at Coutts Bank in the Strand on Ethics in International Arbitration, a topic which could also have been of interest to our banker hosts. Four members of the company, Johnny Veeder QC, Finola O'Farrell QC, Dominic Spenser-Underhill, solicitor and Edwin Glasgow QC addressed this important topic. The conclusions are set out in the Position Paper overleaf which will be of interest to the wider dispute resolution community in London and elsewhere.

Finally, a warm welcome to our new recruits. Our membership now covers the whole dispute resolution spectrum and allows us to speak with authority on all aspects of our profession and to represent the interests of dispute resolvers in the City of London.

John Uff, Master

Installation Court

**Tuesday 28th October
2014**



Installation of new Master,
Prof John Uff CBE, QC, Senior
Warden Michael Goodridge
MBE and Junior Warden
Matthew Bastone

Dates for your Diary

**Tuesday 16th December
2014**

Arbitration Seminar at
Keating Chambers

**Thursday 18th December
2014**

Carol Service at St Mary-le-
Bow with Supper afterwards
at the Furniture Makers' Hall

**Friday 16th to Sunday 18th
January 2015**

Arbitration Competition
Weekend for UK Universities

**Wednesday 11th February
2015**

Joint Seminar with Academy
of Experts and Lord Saville at
Eversheds

**Wednesday 25th
March 2015**

Master's Lecture at Herbert
Smith Freehills

Tuesday 28th April 2015
Common Hall, Cutler's Hall

Further details of all events, with
details of how to book your place can
be found in the Members' area on the
company website,
www.arbitratorscompany.org

The Worshipful Company of Arbitrators

Ethical Rules for Advocates in Dispute Resolution

The Company welcomes two recent initiatives by the International Bar Association (IBA) and the London Court of International Arbitration (LCIA) introducing measures to curb conduct by Advocates which is increasingly encountered and which is to be regarded as unacceptable in any jurisdiction. This is particularly important in London which seeks to maintain the highest reputation as a venue for a fair hearing.

The company organised a seminar in London on 12 November 2014 at which four of its distinguished members debated the issues arising from the new IBA Guidelines on Party Representation in International Arbitration and the new LCIA Arbitration Rules. It was noted that pressure for introducing these measures had been growing in response to calls for regulation of arbitration and related procedures. While the IBA Guidelines are ordinarily to be adopted by agreement, the LCIA Rules will be binding as a matter of contract and represent the first such initiative in the field by a mainstream arbitral institution.

The seminar noted the major problem created by differing professional and ethical standards applicable to advocates from different jurisdictions, some of whom would not be lawyers, which could undermine the Tribunal's confidence in accepting the advocate's word. While not seeking to elevate English practices above those of other countries, it was clear that permitted practices in some jurisdictions fell well below what was acceptable. It remained vital to maintain a level playing field and for the parties to be afforded equal treatment

It should be recognised that Rules were now necessary and had to be accompanied by appropriate sanctions. While these created many inherent problems for interpretation and enforcement, knowledge that the Rules and such sanctions existed would be likely to deter offenders to some degree, and other effective sanctions were likely to emerge, not least of which would be the reputational damage attendant upon a reprimand or other measure imposed by the Tribunal.

The company believes that these new measures, while welcomed in principle, must be kept under review by all interested institutions and bodies, both in the UK and internationally.

Christmas Raffle

The Christmas Raffle for which the top prize is an iPad Air v2 and there are valuable 2nd and 3rd prizes. Every entry helps the disadvantaged in the City of London and those who need help in funding their ADR training.

Members are asked to return their Christmas Draw stubs together with cheques to Martyn Bradish by 11 December. The draw will take place after the Carol service on 18 December.

The Worshipful Company of Arbitrators
Incorporated by Royal Charter

Clerk: Ms Elinor Pritchard, 98 Elm Road, Kingston upon Thames, KT2 6HU
E: clerk@arbitratorscompany.org