



# The Worshipful Company of Arbitrators

[www.arbitratorscompany.org](http://www.arbitratorscompany.org)

## Summer 2006 Newsletter.

### THE MASTER'S MESSAGE



Welcome to the first newsletter of 2006! It has been my privilege to act as your Master in this, our silver anniversary year and I thank you very much for this honour. I can report that, whilst the Company is in good heart, it will always benefit from your continued support and involvement in all aspects of its work.

As you know, we took part in the Lord Mayor's Show, together with the other "modern Companies". It was good to greet members of our Company along the way. I am grateful to the Junior Warden and Assistant Rushton for their support on what was a fine and memorable day. *[Some photographs of the day, including a splendid one of Past Master Victoria Russell, are included elsewhere within the newsletter].*

I am also grateful for the support that you gave to me at the Annual Banquet of the Company held at the Mansion House. Those of you who joined us will recall what an enjoyable evening it was in a fantastic setting - and if you were not there, then that was a shame because you missed a great spectacle and, as well as a galaxy of distinguished guests including the Lord Chief Justice and the Master of the Rolls, a sparkling response to the toast to the guests by the President of the Lands Tribunal, George Bartlett QC.

I hope that you will have seen that his remarks have been published in the May edition of "Arbitration" *[also reproduced on the back page of this newsletter]*. They are well worth revisiting and are sure to bring a smile to your face.

It was nice to enjoy the support also of our former Beadle Ken Tappenden as well as our splendid Clerk, Gaye and Beadle, Roy.

I was also able to use this occasion to present to the Lord Mayor *locum tenens* Sir Robert Finch a cheque for £1500.00 the benefit of the Treloar Trust, the charity chosen by the Lord Mayor. I received from the Lord Mayor a letter not long afterwards expressing his gratitude for our contribution. I was very proud for the Company that we were able to assist so worthy a cause.

Mr Justice Colman did me the honour of presenting the Master's Lecture. Speaking with a minimum of notes, he gave a masterly exposition on the interplay between the Courts and sections 68 and 69 of the Arbitration Act 1996 under the title "Arbitrations and Judges – how much interference should we tolerate?". This was a very well attended event and the questions posed by members of the Company and their guests at the end of the Lecture served only to show what a lively debate the Judge's remarks stimulated. That debate continued for quite some time afterwards in a very pleasant setting assisted by the warm hospitality on the part of Assistant Rushton and his colleagues at Mayer Brown Rowe & Maw. I am very grateful to them for providing the venue for the evening and for arranging for the recording and transcription of the Lecture itself.



**The Master, Mr Justice Colman and Assistant Rushton fielding questions following delivery of the Master's lecture at Mayer Brown Rowe & Maw**

## THE MASTER'S MESSAGE (CONTINUED)

At the time of writing we are preparing for our Annual Church Service on 19th July and for the Supper at Armourers' Hall afterwards. I very much hope that you will be able to join us for one or both occasions. The church service in particular promises to be a memorable event, not least for the fact that the Bishop of London will be our preacher but also because it is very much hoped that we will have the Company anthem performed at the service, composed by the Director of Music at St Mary le Bow. The Supper will be less formal than other dinners in the sense that the order of dress is lounge suit rather than "black-tie". The Court and I very much hope that this will mean that you and your guests will be able to carry out a working day and still be able to attend with minimum of inconvenience.



**The Master receiving his medal from the Immediate Past Master Ann Underwood before the installation dinner on 25<sup>th</sup> October 2005**

This newsletter is the first (of many I hope) under the stewardship of Liveryman Matt Molloy. I thank Matt for taking on the burden of this newsletter and on behalf of the Company I pay warm tribute to Assistant Derek Ross, under whose watchful eye the newsletter has been published in recent years. Derek has overseen a change in the format and a continued improvement in the quality of the publication; Matt has a firm foundation on which to continue to build.

I can report to you that the Company is working hard to continue to promote its charitable objectives. The merger of our two charitable Trusts has just about been completed and I hope to be in touch with you in the near future about our ambitions in this regard. At the moment I am able to tell you that we have endowed a prize at King Edward's School Witley (a school with which the City has historic links) in the name of the Company. The inaugural prize winners are Stephanie Cook and Sam Situmbeko. They will receive their prizes at the School Speech Day on 7<sup>th</sup> July.

The Trustees are also meeting with officers of the charity "centrepoint" to investigate how we might provide financial and practical assistance to them in learning about and practising dispute resolution techniques. The charity is one that works exclusively with the young homeless in London, many of whose lives have been blighted by addiction and distress, offering them the opportunity of accommodation, guidance and support in establishing a life for themselves. Many of their customers would benefit from understanding how to deal with the conflicts that beset them all too often in life and I, together with the Trustees, are anxious to learn if the Company may yet be able to assist in some way.

Despite these activities the Company still needs your help and support to continue to flourish. That help and support comes not just in attending our formal and informal events but also by being willing to serve on committees or undertake a task for the Company. The Events Committee is one that always appreciates enthusiastic supporters and if you feel that you are able to help please do not hesitate to contact Hew Dundas or Karl Davies through our Clerk. We know that there is a lot of support out there for a thriving social programme. Our intended jazz cruise was oversubscribed and we are now looking into the obtaining another date in order to satisfy demand; my thanks to John Coleman who undertook the responsibility of organising this event.



**The Master's children, Jasper, the Rocker Hugo the Knight and Rupert the Gorilla at Lord Mayor's Children's Party**

Please let Matt Molloy have your comments about the newsletter or, better still, any news or articles that you would wish to share with the Company. Similarly, if there is any matter that you would wish to raise with myself or the Wardens please do not hesitate to do so.

Catherine joins me in sending best wishes to all members of the Company and their families. We very much hope to see you at St Mary le Bow on 19th July.

## VISIT TO WIGMORE HALL AND THE WALLACE COLLECTION

17 Liverymen and friends enjoyed a brilliant recital at the Wigmore Hall on March 27<sup>th</sup>. Freddy Kempfe played a Liszt transformation of a Bach Prelude and Fugue followed by Beethoven's Hammerclavier Sonata. He combined tremendous power with subtle delicacy and astonishing speed. Still in his twenties it was easy to see how he deserved his accolade of Young Musician of the Year some time back.

Afterwards we were lucky to be guided by Christylle Phillips at the Wallace Collection. Christylle is married to the Lord Chief Justice. She is an expert on Marie Antoinette and she fascinated us with stories of that unhappy Queen as she showed us some exquisite pieces of the furniture which the Queen had kept in her private apartment in Versailles. One piece was a secretaire, one of three in that room, by Reisener commissioned by her to celebrate the birth of her first child, the Dauphin, after nearly 11 years of marriage. Beautiful marquetry panels mimicking her choice of silk floral hangings for the walls. Christylle showed us two of a set of 4 Boule candlesticks which the King gave her after the Dauphin's birth. Christylle told us how Boule was made and how these candlesticks were some of the most perfect examples of the art to be found anywhere, and were typical of the remarkable taste shown by the 3<sup>rd</sup> and 4<sup>th</sup> Marquesses of Hertford as they assembled their collections.

An exciting visit to be repeated soon.

**Past Master: Andrew Drysdale**



**Colin Draper and Sarah Collett** receiving their certificates by the Master on the evening of the Master's Lecture in recognition of achieving the highest mark jointly obtained in the 2<sup>nd</sup> year of coursework in the MSc in Construction Law and Arbitration at Kings' College

## CHARITABLE TRUST NEWS



**The Trustees hard at work (Assistant Barry Rose, Past Master Andrew Drysdale, Assistant John Rushton, Past Master Michael Wilkey, Assistant Christopher Dancaster, Assistant Derek Ross)**

The Trustees have met twice in 2006. Their main priority has been to achieve the transfer of assets from the First Trust to the Second (with the blessing of the Charity Commission) as the objects of the latter are wider than those of the former. The task has now been achieved but progress has been slow.

The Company's links with King Edward's School Witley have been strengthened by the Trustees' decision to award a prize annually to the pupil who contributes most to school discipline during each academic year as they have with the University of Greenwich where one student is to be awarded a prize for his essay on e-mediation. A further grant has been awarded to a musician at the Guildhall School of Music and a contribution made to the making of a video by the College of Estate Management. A number of other proposals are under consideration, the aim being to support the City and/or initiatives in dispute resolution. Please therefore continue your financial support to allow us to help others.

**Assistant John Rushton**



**Aloysius Gng** who is undergoing pupillage to become a Chartered Arbitrator who was admitted as an Apprentice on 26<sup>th</sup> April 2006.

## ADMISSIONS



**Liveryman Alexander Bierrum**, who became a Liveryman on 25<sup>th</sup> October 2005.



**Freeman Simon Jeffrey Daniels**, a qualified mediator and lecturer in marine related subjects at Southampton Solent University and Warsash Maritime Academy, who was admitted to the Freedom on 25<sup>th</sup> October 2005.



**Liveryman Ike Ehiribe**, a Barrister and practising Arbitrator, part time lecturer of International and Comparative Commercial Arbitration on the University of London external LLM Programme, and a member of the Panel of Assessors of the Chartered Institute of Commercial Mediators, who became a Liveryman on 25<sup>th</sup> October 2005.



**Freeman Lorna Thomas** who was admitted to the Freedom on 25<sup>th</sup> October 2005.



**Liveryman Simon Underwood**, Licensed Insolvency Practitioner and Vice President of the Insolvency Practitioners' Association's Council and member of the Investigation Committee, who became a Liveryman on 25<sup>th</sup> October 2005. Simon made history by being admitted first to the Freedom and then the Livery by his mother, Ann, during her year of office.



**Freeman Stephen York**, a partner in the Litigation Department of Kilpatrick Stockton LLP who has been granted Higher Rights of Audience in the civil courts of England & Wales as well as qualifying as a solicitor in Hong Kong, a Fellow of the Chartered Institute of Arbitrators and chartered arbitrator, a board member of CEDR, who was admitted to the Freedom on 25<sup>th</sup> October 2005.

## ADMISSIONS



**Liveryman Peter Aeberli**, MA (Edin) BA (Oxon) Dip Arch DipICarb RIBA ARIAS FCI Arb Barrister, Chartered Arbitrator, Adjudicator, and Registered CEDR Mediator, who became a Liveryman on 26th April 2006.



**Freeman Michael Isaac** MA MBBS MRCPsych QDR, a consultant psychiatrist and senior lecturer in psychological medicine and a practising Expert, who was admitted to the Freedom on 26th April 2006.



**Liveryman John Uff QC**, a highly experienced and well known arbitrator, Emeritus Professor of Engineering Law at King's College, a chairman of Public Inquiries in the water and railway industries who received a CBE in 2002 for services to rail safety, a Vice President of the LCIA and President of the Society of Construction Arbitrators, Recorder and Deputy Judge of the Technology and Construction Court, who became a Liveryman on 26th April 2006



**Freeman Phillippa Rose**, former Chair of the Academy of Experts, who was admitted to the Freedom on 26<sup>th</sup> April 2006.



**Freeman Neil Stocks**, who was admitted to the Freedom on 26<sup>th</sup> April 2006.



**Liveryman Michael Gifkins**, BSc CEng AKC DPhil FBCS FCI Arb MAE Dip French, who has provided expert witness and arbitration services in technical disputes since 1989, who was admitted to the Freedom on 25th October 2005 and who became a Liveryman on 26<sup>th</sup> April 2006.



**Liveryman Peter Ferner**, a meat surveyor registered by the International Meat Traders Association Inc, a Law Society registered Expert in legal matters pertaining to food, a member of the Institute of Meat and a member of the Royal Society of Health, who was admitted to the Freedom on 25th October 2005 and who became a Liveryman on 26<sup>th</sup> April 2006

## ADMISSIONS (CONTINUED)



**Liveryman John David Arpel**, Vice-President of Allianz Risk Transfer in Zurich and specialist in reinsurance, risk management and dispute resolution who was admitted as a Liveryman on 2<sup>nd</sup> February 2006.



**Freeman Patricia Mary Martin**, formerly of Kilpatrick Stockton LLP and now of Field Martin Solicitors and a Course Director for Lloyd's Maritime Academy, who was admitted to the Freedom on 2<sup>nd</sup> February 2006.



**Liveryman Daniel Djanogly**, a partner in forensic accounting services at Kingston Smith and both a Chartered Accountant and Chartered Arbitrator, who was admitted as a Liveryman on 2<sup>nd</sup> February 2006

## THE LORD'S MAYOR'S SHOW



**Assistant John Ruston, Master Michael Stephens and Junior Warden Harold Crowter** flying the banner for the Company



**Past Master Victoria Russell** in an understated sequin and feather number

## THE NEXT MASTER (SUBJECT TO ELECTION) – DONALD VALENTINE

Donald was born some moons ago in Saltwood in Kent. He grew up during the War in a small village in Sussex where his father was the vicar. Donald went to the Grammar School in East Grinstead: was moved up two classes and entered the Sixth Form at the age of fourteen.



**Donald being installed as Senior Warden by the Master at the installation ceremony**

At 17 he won a County Major Scholarship to Cambridge but was then forced at tax-payer's expense, to take a gap year serving his King and Country - largely on a troopship sailing to Singapore and back. He rose to the dizzy height of Sergeant in the Education Corp – which, when necessary, pretended to be part of the British Army.

At Trinity, Donald read Law: spoke in the Union and became President of the C.U. Liberal Club. In 1952 he obtained a First Class degree. He was then made an Exhibitioner of Trinity College and a State Scholar and was awarded the Whitaker Scholarship to Lincoln's Inn.

After a fourth year in Cambridge, Donald won a Fellowship to the Netherlands. There, under the tutorship of Prof. Verziel of Utrecht University, he wrote the first book in English on what is now the European Court of Justice – then the Court of the European Coal and Steel Community – which this country had refused to join.

This book was published in the Netherlands and reviewed in law journals in Europe, Asia and America. The book won Donald a doctorate from Utrecht University.

In 1954 Donald was appointed as Assistant Lecturer at The London School of Economics; was called to the Bar in 1956 and joined his present Chambers in 1958. He then stood in Wembley North as a Liberal Candidate in the 1959 General Election. This constituency was known as a safe seat – because there was no fear of being elected. He wasn't.

For the next seven years, when not teaching or in court, Donald was engaged in writing his second book on the European Court. Because the UK was still not a member of the Community, the Court's judgments were not issued in English. Donald, therefore, had to translate from French the first 10 years of the Court's judgments.

In 1965 an early draft of this second book was bought from Donald by the British Government for £700. This draft was then typed by the civil service and circulated to the legal teams who were about to undertake abortive negotiations to join the Community.

In 1965 the two volumes of Donald's book were published jointly in England and America. His translation of the first 63 judgments was subsequently accepted as constituting the Court's authentic text.

In 1966 Donald, with his wife and two young daughters, went as Professor and Dean of the Law Faculty to the University of Nigeria. Because of tribal conflicts, Ibo graduates were refusing to go to the Professional Law School in Lagos. Donald was therefore asked to set up a Biafran Professional Law School for them. The Government provided him with an ex-minister's empty house and £2,000. The first lecture and tutorials were given 6 weeks later.

When the Biafran war finally broke out in 1967, Donald's family were evacuated by air. Donald stayed on until the Biafran Bar Finals had been marked. He then fled the country. It cost all of 6d to cross the Niger.

Back in London, Donald combined being a Reader at LSE with practice at the Bar. By 1982, however, this double life had become too much. It was then to be the Bar only.

But not for long. Donald was soon called upon to run 2 and 3 day seminars on the multivarious building, civil and mechanical engineering contracts. These seminars were not only for contractors (Costain, Mowlems, Balfour Beatty etc) but for British Rail, at their headquarters in York, Scottish Hydro-Electrics, Water Boards and Local Authorities.

In 1990 Donald was elected as the First Chairman of the newly formed London Branch of the CI Arb. Subsequently, for seven years, he was their representative on the Council of the Chartered Institute. He is now one of the Institute's Chief Examiners. This task he fits in between periods of acting as arbitrator and as tutor in arbitrations. Somehow, he says, there will still be time to be a Master.

## ANNUAL BANQUET AT MANSION HOUSE – REPLY ON BEHALF OF THE GUESTS

Master, Wardens, Lord Mayor Locum Tenens, Lord Chief Justice, Master of the Rolls, Sheriffs, Ladies and Gentlemen:

I am sure that I speak for all the guests when I say what an honour it is to be the guest this evening of the senior branch of the judicial profession – the senior branch because you are the branch which the junior branch, the judges, always aspire to join. Ask any judge – ask any judge you like – what do you want to be when you grow up? and the answer – if you get one – will always be: an arbitrator. On the High Court bench, in the Court of Appeal and the House of Lords they sit, practising their judicial skills so that in due course, after many years, they may feel themselves duly qualified to step up into the ranks of the arbitrators. And some of them, the more modest and selfdoubting among them, even continue well into their seventies before they are confident that they have made the grade.

Most of you arbitrators, I know, will have decided to dispense with this tedious training, and will have taken instead the fast track. I have to say I don't blame you. It's not easy being a judge these days. In the past a judge would go into court, cap counsel's hexameter from Virgil with a pentameter by Ovid, and everyone would be happy – not least the defendant in the dock, who felt it an honour to be in such elevated company. But now the judge who is not au fait with the latest developments in every television soap is liable at any moment to become the object of ridicule and obloquy. It's hard work keeping up. Peer any evening through the curtains of those villas in Hampstead and Wimbledon and you will see earnest figures hunched in front of television sets, judges notebooks on their knees, noting in detail what is happening in East Enders, Coronation Street, Celebrity Big Brother and Footballers Wives – until, round about midnight, they are free to begin reading the papers for next day's case. You arbitrators, on the other hand, have no such burdens. Confronted by something you suspect may be an allusion to some popular entertainment, you simply say to counsel, "Perhaps you'd like to move on to Schedule 5," and no one complains. It is not as if judges crave admiration for such modern learning – any more than they do for their intellects or the soundness of their judgments. That is not what judges want. No, judges just want to be loved. It's all right for you arbitrators. You are often able to look out across the roomful of people in front of you and reflect that they are there because they have chosen you to decide their case for them. Not so the judge. He knows that he is regarded by the parties as a piece of judicial jetsam, cast up before them by the chances of the listing process. Indeed he sometimes senses they would

strongly have preferred anyone but him to hear their case. Because of this, Master, it could have been very uncomfortable for us all if you had invited as guests judges who might be thought to be among the unloved of their number.

But you took no chances in this respect. You invited, as the representatives of the junior branch of the judicial profession the lovable trio from Birmingham, to whom you have referred; the much doted on President of the Family Division; the Master of the Rolls, the darling of the Court of Appeal; and the utterly adorable Lord Chief Justice. You are to be congratulated on this, and I thank you on behalf of all your guests for including us tonight. We realise that this is no more than a snack to an arbitrator, but it is a feast to us.

Thank you very much.

**George Bartlett QC**  
**President of the Lands Tribunal**

## EVENTS

- 10 September** Sunday lunch jazz cruise
- 29 September** Election of Lord Mayor at Guildhall
- October** Lunchtime Concert at the Wigmore Hall
- 31 October** Court meeting, Common Hall & Installation Dinner at Vintners' Hall

### **Carvery Lunches at Butchers' Hall**

Liveryman and their guest are invited to lunch at Butchers' Hall on Wednesdays (except in August), 12.30pm for 1.00pm. The cost of the carvery lunch (excluding drinks) is £22.50 plus VAT. Dress Lounge Suit please. Bookings can be made in advance to the office - 020 7600 4106.

### **The Lynn Painter-Stainers Prize**

The submission date for entries for this prize, which aims to stimulate the art of painting and promote the skill of draughtsmanship, is 3<sup>rd</sup> and 4<sup>th</sup> September – please contact the Clerk for further details

### **Cookery Masterclass – 18 September**

To celebrate the forthcoming publication of the City of London Cookbook at Guildhall – all proceeds to go to the Lord Mayor's chosen Charity, the Treloar Trust - please contact the Clerk for further details.

## CLERK'S CONTACT DETAILS

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**The Worshipful Company of Arbitrators – No. 94.**