

Course Information

Diploma in International Commercial Arbitration



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evolving to resolve

The Diploma in International Commercial Arbitration is split into two parts:

- **PART 1 - Diploma course (including a Practice and Procedure examination)**
- **PART 2 - Award Writing course (including assignment and examination)**

PART 1 - Diploma Course (including Practice and Procedure examination)

The Diploma course is designed to provide a thorough understanding of the practice and procedure of international commercial arbitration. The course was launched in 1995 and is internationally recognised, attracting candidates from a number of jurisdictions, including Australia, Canada, England, France, Hong Kong, Ireland, Israel, Malaysia, New Zealand, Nigeria, Singapore, Scotland, Thailand and the USA.

Professor Doug Jones AO (Australia) and Professor Janet Walker (Canada) are co-directors, both are well-known in the International Arbitration field; all tutors and examiners are international lawyers and arbitrators. The faculty for 2017 include: Lord Peter Goldsmith QC (London), Professor Loukas Mistelis (London), David Goldberg (London), David Brynmor-Thomas (London), Colin Ong (Brunei), Louis Flannery (London), Wendy J. Miles QC (London), Aisha Nadar (Sweden), Robin Oldenstam (Sweden), José Rosell (Denmark), Daniel Garton (London),

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- Identify and explain in depth all the key elements of the international arbitration process;
- Evaluate issues and apply the principles of the UNCITRAL Model Law appropriately;
- Demonstrate practical skill in carrying out the tasks required in preparing for and progressing an international arbitration;
- Demonstrate skill in controlling an international arbitration, communicating effectively with the parties, applying the UNCITRAL Arbitration Rules and adopting appropriate procedures.

What is covered in the syllabus?

- Arbitration distinguished from other forms of dispute resolution;
- Nature and limits of arbitration and its treatment by various legal systems;
- Privacy, loyalty, confidentiality and secrecy;
- Legal systems and the hierarchy of norms;
- The Role of state courts in support of the arbitral process;
- Arbitration agreements;
- The legal framework: the importance of the seat, the New York Convention, procedural laws, and procedural rules; conflict of laws, the Rome Convention;
- The use and adoption by State entities of the UNCITRAL Model Law;
- The UNIDROIT Principles of International Commercial Contracts;
- Types of Arbitration: ad-hoc, institutional, documents only, time limited;
- Commencement of the arbitration, terms of reference;
- The arbitrator's terms and conditions of appointment;
- Obligations of the tribunal, responsibilities and obligations of the parties;
- An arbitrator's jurisdiction and powers;
- Challenges to jurisdiction, conflicts of interest;
- Managing the arbitration process: communications, preliminary meeting, interlocutory matters, dealing with factual and opinion evidence and disclosure of documents;

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CI Arb, 12 Bloomsbury Square, London, WC1A 2LP, UK

T: +44 (0)20 7421 7439

F: +44 (0)20 7404 4023

E: education@ciarb.org

W: www.ciarb.org

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- Security for costs;
- Presenting the claim and the defence: alternative methods;
- Preparation for and procedure at a typical hearing, contrasting common law and civil law jurisdictions;
- Essentials of an enforceable award;
- Costs, offers and interest; alternative approaches in different jurisdictions;
- Technology in arbitrations;
- Construction industry arbitrations;
- Arbitration in Russia.

How is Part 1 delivered?

Part 1 is delivered over nine intensive days, with a combination of lectures, tutorials and discussion workshops dealing with international arbitration law, practice and procedure. Part 1 is delivered at the University of Oxford on a residential basis with accommodation located in the grounds of the University. All rooms are en-suite with internet connection.

How will I be assessed?

Assessment consists of workshops held on the final day of the course and one 2.5-hour closed book examination on International Arbitration Practice and Procedure. The workshops make up 20% of the overall mark and the examination 80%.

The examination is on a pass or fail basis. Candidates must achieve a minimum of 55%. Candidates who fail the examination will be required to re-sit the examination.

The examination is closed book however candidates will be allowed to use unmarked copies of the Reference Materials and National Laws folders. Highlighting and underlining is permitted.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

Candidates will be automatically registered to sit the examination at CI Arb offices, Bloomsbury Square, London. It is possible to arrange for examinations to be sat elsewhere, for example, at a CI Arb Branch or a special examination centre. Candidates must specify on the registration form where they would prefer to sit their examination. Candidates who wish to sit an examination at a CI Arb Branch or a special examination centre will be required to pay any additional local charges for invigilation and facilities.

PART 2 - Award Writing course (including assignment and examination)

Module 4 International Award Writing

What is the aim of the module?

To provide the candidate with the knowledge required to analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules.

This course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an Award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Award.

It is therefore valuable for anyone wishing to understand the processes involved in award writing. It is also an essential requirement for qualification as a Fellow and for those who aim to practice as an international arbitrator.

What are the learning outcomes?

On successful completion of this course, candidates will be able to:

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- recognise and evaluate evidence;
- distil issues from the parties' submissions;
- order and deal with all the issues;
- decide matters in dispute logically and in accordance with the law;
- structure the Award;
- write the discursive and operative parts of the Award;
- deal with the parties' costs and interest;
- allocate arbitrator's fees and expenses;
- demonstrate compliance with the legal and other requirements for an enforceable Award.

What is covered in the syllabus

- Purpose of the Award;
- Purpose of reasons;
- Formal requirements of an Award;
- Substantive requirements for an Award;
- Elements of an Award;
 - The recitals;
 - Defining the issues;
 - Defining the law;
 - Ordering and handling issues;
 - Contentions on the issues;
 - Summarising evidence;
 - Findings of fact;
 - Dealing with legal submissions;
 - Arriving at a conclusion for each issue;
 - Parties' costs and interest;
 - Arbitrator's fees and expenses;
 - The seat of the arbitration;
 - Publishing the Award;
- Sending out the Award and dealing with slips.

How is Part 2 delivered?

Part 2 is delivered over a period of four months, with a combination of private study and face-to-face tutorials. The course date advertised for Module 4 Award Writing is the start date of Part 2 when candidates will be required to start their private study of reading **NOT** when they attend tutorials. The face-to-face tutorial dates are listed on the Course Schedule.

How will I be assessed?

Assessment of this course is split into two parts:

- A written assignment to be submitted during the course (20%).
- A 4-hour open book examination (80%).

Details of the assessment are as follows:

- The assignment. This assessment is not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- The examination. This assessment is on a pass or fail basis. The mark achieved will contribute up to 80% of the final mark. Candidates who fail the examination will be required to re-sit the examination.
- The overall assessment is based upon the combined marks of the assignment and examination. Candidates must achieve a minimum overall mark of 70% to pass the course.

Marks for the examination will be divided into two parts: Part A – Technical Merit; Part B – Judicial Merit. Candidates must achieve a minimum of 70% in each part.

The assignment and examination are both Award writing exercises. The Award must be reasoned and enforceable. Any candidate that submits an unenforceable Award will be deemed as a fail and awarded zero marks.

The examination is open book with no restrictions, which means candidates are permitted to take any materials they wish into the examination. The examination consists of a final Award submitted on a dispute presented in a scenario in two parts, the first provided by email approximately two weeks before the examination date, the second provided on the stipulated examination date.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

Candidates will be automatically registered to sit the examination at CI Arb offices, Bloomsbury Square, London. It is possible to arrange for examinations to be sat elsewhere, for example, at a CI Arb Branch or a special examination centre. Candidates must specify on the registration form where they would prefer to sit their examination. Candidates who wish to sit an examination at a CI Arb Branch or a special examination centre will be required to pay any additional local charges for invigilation and facilities.

What are the entry requirements?

- Practising lawyers and other professionals who are familiar with legal reasoning and concepts and are involved in arbitration (domestic or international) and who wish to increase their knowledge and understanding of international commercial arbitration.
- Members or Fellows of the Chartered Institute of Arbitrators who have experience of domestic arbitration practice and wish to extend their knowledge to include international arbitration procedures.

English Language Competence - CI Arb training and assessment is carried out in English it is therefore essential that candidates are proficient in both written and spoken English. Where English is not a candidate's first language it is recommended that they have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test of English as a Foreign Language (TOEFL) system. CI Arb issues this advice as a guideline and, while it will not require any evidence of this standard prior to enrolment on a course, candidates who do not have this standard of English may be disadvantaged.

What is the course fee and what does it include?

The Diploma in International Commercial Arbitration course fee is £6000 + VAT. The fee includes:

- registration on the Diploma course
- the first attempt at the Practice and Procedures examination
- study materials for both courses, except for the two books that may be purchased by the candidate
- full board accommodation and meals for 8 nights of the Diploma course
- registration on the Module 4 Award Writing course
- the first attempt at the assignment and examination
- lunch and refreshments throughout the tutorial days of the Module 4 Award Writing course

Candidates may wish to register for Parts 1 and 2 separately. The fees are as follows:

- Part 1 – £5000 + VAT
- Part 2 – £1100 + VAT

Candidates are advised to refer to the Fee Sheet which details other fees that may be relevant.

Overseas candidates must make all necessary arrangements for any visa requirements when travelling to the UK. Visa arrangements should be made as early as possible as refunds cannot be made due to inadequate visa arrangements. Please note that the CI Arb is not able to assist with obtaining entry visas.

What happens when I register for the course?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Joining instructions will be sent to candidates approximately 2 weeks before the course start date.

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Candidates are encouraged to purchase the following books prior to the start of the Diploma course:

- International Arbitration – A Handbook – Phillip Capper
- Law & Practice of International Commercial Arbitration – Redfern & Hunter – student edition

Candidates will be provided with an electronic copy of a Workbook for the Module 4 Award Writing course to assist them with their studies together with a suggested reading list. It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with the relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognised standard text books to supplement their study in their respective jurisdiction where these are available.

What is CI Arb’s policy on cancellation of courses?

CI Arb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CI Arb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course. Should a candidate wish to cancel their registration of a course, notification must be received in writing to education@ciarb.org. Cancellation charges apply. Please refer to the Fee Sheet.

What is my next step when I complete the course?

On successful completion of the Diploma course and Module 4 Award Writing course, candidates:

- may be eligible to claim CPD points if the course has contributed to members’ development, and evidence of participation is provided, it may count as part of the CPD requirement for CI Arb, Solicitors Regulation Authority, Bar Standards Board, ACCA, CILEX, ICE and RIBA;
- may use the designatory letters DiplCARb
- will be awarded a Diploma in International Commercial Arbitration.
- will be able to progress onto the Peer Interview of the International Arbitration pathway.
- will be eligible to apply for Fellow grade of CI Arb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.

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