



Chartered
Institute of
Arbitrators

CI Arb

Annual Report

2007

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Reports from the Boards, Committees and Executive

BOARD OF TRUSTEES

Chairman: Doug Jones

The Board of Trustees met twice in 2007, first in May in London; and then in October in Dublin together with a Branch Officers' meeting and conference, graced by the inimitable presence of the First Minister of Northern Ireland, the Rev Dr Ian Paisley. I must congratulate Roy Sherlock, our Trustee for Europe, and the Irish Branch under their Chairman Joe Behan, for the excellent arrangements they made for this highly successful succession of events.

2007 saw the beginning of the implementation phase of the plans laid by Trustees the previous year. Indeed, in some regards the Board's role is now at a crossroads, moving from the initial strategic planning and enabling phase, to the supervisory responsibilities envisaged in the Charter. This will also enable us better to focus on the Board's overriding responsibility: to remain alert to developments in our dispute resolution environment that may require strategic adjustment by the Institute.

Two seminal decisions, taken by the Trustees in 2006, have had the far-reaching consequences intended. First, IDRS Ltd, a wholly-owned subsidiary company of the Institute, took over the operation of the Institute's consumer and commercial redress services in January 2007, thus meeting Trustees' concerns regarding fiduciary risk, commercial contractual obligations, the provision of appropriate corporate governance and, importantly, that our commercial operation should not overtake our core chartered and charitable functions as the main activity of the Institute. In its start-up year, the Company performed close to forecast until the last quarter, which was disappointing.

Secondly, we approved wide-reaching structural and organisational changes at Bloomsbury Square, both as a consequence of the creation of IDRS Ltd and to enable the re-named "Executive" to implement the Institute Strategy 2005-2010 more effectively. In May, the Board approved the recommendations of the Operational Review completed by the Director General and Malcom McMullan, Director of Finance and Administration, which also recorded actions already taken to refine the objectives set out in the Institute Strategy and address operational and structural weaknesses. A slimmed-down Executive, numbering 22 by December, has produced increased levels of efficiency and effectiveness without incurring significant redundancy costs. The Director General has summarised the work of the Executive in his Report. I join him in welcoming Mike Owen, who was appointed Director, Marketing, Membership and Training in May, and with his re-organised team has produced some very creditable outcomes, not least the successful re-launch of "Pathways to Fellowship" as a global, jurisdiction-neutral qualifications progression route. 2007 saw a challenging forward agenda, moving beyond our traditional training sectors, set in train. These are very significant changes: the new Institute logo underlines the modernisation they represent.

The Board also approved further progress on the Institute's "Professional Home for Mediators" objectives, through an open meeting at Bloomsbury Square on 11 July and the establishment of an interim Mediation Steering Group which met on 13 September. Their recommendations informed the design of the new mediation Fellowship route which will be launched in May 2008.

The Trustees are concerned to nurture young members, as the long-term membership base of the Institute. The Board of Management and Executive were directed to do everything they could to stimulate and encourage younger members both to develop young members' programmes and to recruit their peers to membership. It should be a priority of us all to seek out prospective young members, and to support young members' activities, in particular through helping to get the Young Members Group (YMG) properly up and running: names, please to Zoi Fletcher (email: zfletcher@ciarb.org) at the Executive.

Regional development activities focussed principally on the Indian Sub-Continent, where efforts to resuscitate the India Branch came to fruition in early 2008, in South Africa and in North America. The Board directed that 2008 priorities should include England and Wales, the development of our European presence, North America, further support for South Asia and where resources permit for one-off opportunities, such as those thrown up when President Hew Dundas visited Latin America.

The development of the Learned Society made real progress, as the Director General reports. The Trustees consider the continued development of the research, academic and advisory and consultancy roles of the Institute as being of unparalleled importance in underpinning the standing of the Institute within the “dispute resolution community”, whether international or domestic arbitration, mediation, adjudication or other forms of ADR. Our publications continue to evolve. “Arbitration – the International Journal of Arbitration, Mediation and Dispute Management” to give it its full title - continues to be the Institute’s most popular member service under the impressive editorship of Derek Roebuck, whom I should like again to thank here.

Tamara Oyre left us in November after 12.5 years’ dedicated service as Director, Legal Services. She is due our sincere thanks for all her work for the Institute, not least for steering through the constitutional changes now in place. The Institute was fortunate in early 2008 to be able to replace Tamara with two senior part-time appointments; Aaron Hudson-Tyremen, Deputy Director of the Centre for Construction Law at King’s College, London, as Director, Research and Development; and Tony Marks who joins us in May from CMS Cameron McKenna as Director, Legal Services.

The final pieces of the new constitutional jigsaw were put in place, with the approval of “the Guidance” prepared by a Working Party of the Panels Management Group (PMG). The Board of Management is now charged with the introduction of a Panel Appointments Certificate Scheme (PACS) for the Institute’s three Presidential panels and the appointment of Peer Review Panels for each of the Institute’s Regions. When complete, the PMG will have a truly global membership and a much wider remit, operating PACS, providing a “best practice” hub for Branches operating their own schemes and panels. Other changes to the Committee structure included the renaming of the Examinations Board as the Assessment and Examinations Board with an expanded remit to encompass the setting and enforcement of all routes to every grade of membership.

One of the most important annual tasks of the Board of Trustees is to select the Chair of the Board of Management (BoM), who may serve for a maximum of three consecutive years. Mark Entwistle completed his uniquely testing term as the first Chairman of the BoM in December. The Institute owes him an enormous debt of gratitude which was recognised by the Trustees when they presented him with a gift of Irish crystal at the Trustees’ dinner on 31st October. Peter Rees, formerly Chairman of the Practice and Standards Committee, took over as BoM Chairman from January 2008, seven candidates having expressed interest in the post through the new and transparent selection process.

Change is expensive. The Director General considers that 2007 should be the last year when major change management costs will be incurred. The first results of the reform process could already be seen by the end of 2007, with the annual training turnover significantly better than had been foreseen even half-way through the year. The Room Hire business in 12 Bloomsbury Square has grown encouragingly with gross income in 2008 expected to more than offset the full mortgage capital repayment and interest costs of the building, plus the room hire staff costs. And, of course, the Institute’s underlying capital asset base remained very strong, with our owned property at 12 Bloomsbury Square appreciating very considerably in value. We will continue to review our investment policies regularly.

The term of office of our Patron, Mrs Anson Chan, came to an end at the turn of the year. We offer our thanks to Mrs Chan for her support. The Institute has been fortunate indeed to secure Prof Dr Karl-Heinz Böckstiegel as her successor for the period 2008-2011. I am personally indebted to him for agreeing to take on this role. Hew Dundas completed an extraordinarily active term of office as President, to be followed as President for 2008 by Teresa Cheng, of Hong Kong and a former East Asian Trustee. In November I was re-elected as Chairman of the Trustees for a final term in 2008. Toby Landau was elected Deputy Chairman, our first ever Deputy Chairman, in 2007. Roy Sherlock was re-elected as Honorary Treasurer. Roy and Steve Certilman will continue to represent the Trustees on the Board of Management. My thanks to them and to all the Trustees who have given so freely of their time. The next bi-annual elections for those six Trustees not elected or re-elected in 2006 will take place later this year. Congress will take place on 24th and 25th October in Kota Kinabalu, immediately following the Trustees second annual meeting, by courtesy of the Malaysian Branch. The Branch is also hosting a major international conference in Kuala Lumpur from 20th to 21st October, which I urge as many members as possible to attend.

BOARD OF MANAGEMENT

Chairman: Mark Entwistle

The process of change in the Institute continued throughout 2007. At the end of my final year as Chair of the Board of Management, I am pleased to be able to report that the Institute continues to grow its membership, and the progressive developments that I foreshadowed in my previous reports are now beginning to bear fruit.

The operations of IDRS do not come under the remit of the Board of Management, and I will leave others to report upon its progress. It is encouraging, though, to be able to note increasing opportunities provided by the company through the management of its panels, for our members to gain practical dispute resolving experience.

The staff re-organisation at Bloomsbury Square has now effectively been completed, with the new Director of Marketing, Membership and Training, Mike Owen, well established in post and taking his department forward. You will have read elsewhere that Tamara Oyre left the Institute at the end of the year, after more than 12 years of loyal and dedicated service. Though she has moved to take up a challenging position in the international arena, she will be greatly missed by her colleagues and members alike. Her advice and support to many senior figures at the Institute has been greatly valued.

The business of the Board over the past year has, once more, included development of the Institute's interest in mediation, but our other routes to membership and fellowship have also been revamped and developed. The Board has seen through the completion of Pathways to Fellowship, which will hopefully encourage more members to develop and advance their grade of membership, whatever their primary interest in dispute resolution is.

The new peer-review arrangement, completed by a Working Group under the chairmanship of Mair Coombes-Davies, has now been completed, and provides an important pillar in our drive to assist our practitioner members to maintain and improve their performance, and at the same time to increase the reputation of the Institute.

New routes designed to attract members are always under consideration, and a new Experienced Practitioner route has been developed and corporate memberships are being explored.

The Institute is conscious that strong communications with Branches and Chapters is vital to its health. To improve the support from the centre, an information pack is being prepared to assist Chairs of Chapters in the development of membership and member support in their areas. It is

also vital that members do what they can to support their Branches and Chapters; keeping in mind that the Institute exists for its members, and their participation in Institute affairs is crucial to our growth of membership and influence.

Our international profile continues to grow apace, and we now have a corporate presence at many international conferences. On the commercial front, our room hire business continues to expand, and the re-organisation of office accommodation at Bloomsbury Square has freed up additional rooms for hire.

Other business of the Board in the year included usual matters of a more routine nature concerned with the day to day running of the Institute and its financial management, including approval of proposals to maintain and improve the building. 2008 sees our biennial Congress take place in Malaysia. It is linked with an international conference, and it is to be hoped that many members around the world will take the opportunity to attend.

Ongoing work concerns continuing to strengthen our presence in all regions of the world and to continue to improve connections with, and support for, Branches in the UK.

As reported previously, four boards and committees report to the Board of Management; Education and Membership, Practice and Standards, Assessment and Examinations and Panels Management. The process for appointing new chairs to those bodies has been completed in 2007. The Institute's regulations forbid a person from serving for more than three consecutive years as a Chair of a Board or Committee. This has meant that new appointments have to be made in 2008 to all those bodies. For the reason of promoting continuity of the Board of Management, the Trustees approved a proposal to replace two Chairs in January 2008 and the remaining two in June 2008.

At the start of 2008 new appointments were made by the Trustees to the Chairs of the Practice and Standards Committee (Alan Limbury, from Australia), and the Assessment and Examinations Board (Ian Trushell, from Scotland). I wish them well in their new positions. They replace two highly dedicated and valued Chairs in Kay Linnell and Peter Rees, and I would like to use this opportunity to thank them both for their hard work in committee and support for the Board of Management in the three years that they have held their positions. The Institute is greatly indebted to them both. This report for 2008 will be prepared by Peter Rees, who has been appointed to succeed me in this position. I wish him well, and have no doubt that he is the ideal man for the job.

The Board of Management will look, in 2008, to refresh all the Committees and Boards that report to it, and is interested in hearing from any members, wherever located in the world, who might offer themselves for committee service. Further details of this will be given in the Newsletter in due course.

This last report from me, enables me to pay one final tribute to the Director General and his team at Bloomsbury Square, to all of whom I extend my grateful thanks for all their help and support during my three years in office.

EDUCATION AND MEMBERSHIP COMMITTEE

Chairman: Tinuade Oyekunle

The Committee met twice in 2007 (April and September) on both occasions in London. . The Committee comprised:

Tinuade Oyekunle (Chairman), Hew Dundas, Rowena Mulcahy, Michael Joyce and Pauline Makepeace.

In 2007, the Committee contributed to and subsequently approved for consideration by the Board of Management, CIArb's "Experienced Practitioner Scheme". This scheme replaces the "Eminent Persons Route" to provide very experienced arbitration practitioners with a route to CIArb Fellowship.

In addition to the Experienced Practitioner's route, the Committee helped develop the revised Pathways programme of education routes to CIArb's various membership grades and qualifications.

PRACTICE AND STANDARDS COMMITTEE

Chairman: Peter Rees

2007 was the second full year of operation of the Practice and Standards Committee ("P&S Committee"). The Committee comprised:

Peter Rees (Chairman), Andrew Bartlett, Christopher Dancaster, Giovanni De Berti, Giovanna Kwong, Richard De Lacy, Alan Limbury, Harland Lindsay, Adam Samuel and Christopher To. Obi Opara took the minutes of all the meetings and we are grateful to him for undertaking that task.

During the year four meetings of the P&S Committee took place. The main business and achievements of the P&S Committee during 2007 were:

The continuation of our two very successful sub-committees, the Arbitration Sub-Committee (chaired by John Wright) and the Mediation Sub-Committee (chaired by Alan Limbury).

The publication of the Chartered Institute of Arbitrators Protocol for the Use of Party-Appointed experts in International Arbitration. This was made available to delegates and discussed at LCIA and IBA conferences during the year.

The Mediation Practice Sub-Committee prepared two significant documents, which are now available on the Institute web-site:

- (i) Guidelines on the Selection and Appointment of Mediators; and
- (ii) Mediation Rules.

The Arbitration Practice Sub-Committee made detailed comments to the American Bar Association on their proposed guidelines on disclosure of conflicts of interest for arbitrators. We also produced a guideline on arbitrations involving consumers and parties with significant differences of resources, which has been published on the Institute's web site.

This has been my last year as Chairman and I would like to express my thanks to all members of the P&S Committee and to all the members of the Institute's Executive who have provided such excellent support. I wish the new Chairman, Alan Limbury every success. I know the Practice & Standards Committee is in very good hands.

ASSESSMENT AND EXAMINATIONS BOARD

Chairman: Kay Linnell

In this, my final report as Chairman of the now named Assessment and Examinations Board, I want to thank all the members of my committee who have worked so hard to provide guidance in the development of new and rigorous systems to uphold the standards of the examinations for the Chartered Institute of Arbitrators. I would also like to thank the members of the Secretariat who have supported us in every way to develop and maintain the standard of the Institute Examinations worldwide; in particular, my thanks are due to Sue McLaughlin, Oksana Krumina, Karen Cheel and Obi Opara.

During 2007, 370 candidates took part in the Institute's examinations and assessments for Arbitration, Adjudication and Mediation worldwide. This figure is solely for the courses organised through the Chartered Institute directly and there were many other members and potential members who enjoyed courses put on by the branches. During 2007 several initiatives have been taken forward.

Invitations were issued to the branches to ask them to nominate examiners and the reviewers for the existing panels, especially in non-common law jurisdictions. There is still a lot more work to be done and I hope that the branch's support my successor in continuing and expanding talented individuals so that there is a large pool of fully trained and competence assessors to assist in the implementation of the Examination Board strategy.

During the year there has been a focus on mediation, and meetings were held with the Mediation Course provider to deal with the difficulties that had arisen concerning training and the standardisation of the assessment process. Training has been provided to the assessors and there has been a revitalisation of the Assessor Panel and the mediation syllabus to ensure the Institute is at the forefront of training and mediation development. As part of this exercise, Aled Davis was appointed as Chief Assessor for Mediation Accreditation to start an exercise in reviewing Commercial Mediation within the Institute and the future assessment and the ongoing training of Assessors.

The 2007 year was also an exciting time because the new learning modules were introduced at the beginning of the year. This gave rise to a few teething problems, but also integrated guidance on the use of multiple choice tests and post course assessment, as part of the exam process.

During the 2007 year enquiries were also undertaken to identify a possible partnership within a stable and experienced platform provider to develop electronic learning and on-line studies for candidates who are not able to easily attend courses in London. The Examination Board are pleased to report that the academic links to various training institutions including The College of Estate Management and Robert Gordon University were maintained.

The Board also considered the development of a library of approved case studies, questions and answers from existing resources with a view to securing the intellectual property of the Institute and make more resources available for the Branch network.

Several complaints were dealt with during the year. However, these enabled the Examinations Board to focus on the way in which complaints were dealt with, and this will be considered in 2008 agenda.

The 2007 Examination Board consider that it is essential to develop a resource of a library of approved examination questions, which are appropriate for use in International examinations in different jurisdictions and in a variety of languages. This project has only just commenced but I am sure will be carried forward by my successor to ensure that the Institute continues to be at the centre of the training and development of Arbitration expertise worldwide.

THE PROFESSIONAL CONDUCT COMMITTEE (PCC)

Chairman: Peter Chapman

The Professional Conduct Committee (PCC) consists of Institute members Peter Chapman (Chair), Arthur Harverd, Sir Philip Otton, Eugen Salpius, Neil Kaplan QC, Michel Kallipetis QC, and Tony Canham and lay members Marie-Helene Kutek, Olivia Morrison Lyons, Neil Menzies and Dr Martin Dudley.

There have been no new members joining (or resigning from) the PCC in this period.

The year has not been particularly active with just twelve new cases of alleged misconduct being sent to the Institute and referred to the Committee. Three committee meetings were held during the year and investigation into fourteen cases were undertaken (two cases being connected with referrals originating in previous periods). In ten cases the PCC found there to be no evidence of professional misconduct whatsoever. However, in several cases the PCC considered that the conduct of the institute member, whilst not amounting to misconduct, was such as to require the member to appear before a Peer Review Panel for training purposes. There was one case in which the PCC considered there to be *prima facie* evidence of professional misconduct and, upon specialist advice, this case was formally presented to a disciplinary tribunal. The tribunal dismissed the charges of alleged misconduct.

As in previous years, the majority of complaints are made by disappointed parties seeking to appeal the arbitrator's award by means of a personal attack on the ability and competence of the arbitrator, adjudicator or mediator. Other complaints concern poor standards, particularly in award/decision writing, and a failure by the member to demonstrate to the losing disputant that the case advanced has been properly considered. Complaints arising from Panel Schemes are by far the most common.

Arbitrator members, particularly those engaged under Panel Scheme arbitrations (where the claimant rarely takes legal advice), are urged to set out on the face of their awards or decisions the arguments made by the losing disputant, reasons why these arguments are not considered to have merit and the time limits in which a losing disputant must appeal if appeals are available.

The PCC has recommended to the Executive Committee that the Byelaws in connection with professional conduct be reviewed and amendments considered. The PCC understands that this recommendation has been accepted and will be implemented by the Executive Committee.

The PCC wishes to thank Tamara Oyre for her labours, as Legal Counsel to the PCC and, consequent upon her resignation from the Chartered Institute, her help and guidance will be missed. The PCC thanks Sandra David for her work and efforts as Secretary to the PCC.

The last year was my sixth on the PCC and my third year as Chairman. I have continued to be very impressed with the work and dedication of my colleagues and would like to thank them all for their support and industry. I have decided that "six is enough" and that I should now resign from the PCC and hand over the chairmanship to my friend and very able colleague, Arthur Harverd. I wish Arthur well in his task ahead.

Lay member Marie-Helene Kutek, after six years service on the PCC, has elected to resign from the PCC, effective April 2008. Marie-Helene was one of the founder 'lay' members and her contributions to the work of the Committee over her period in office have been invaluable. We thank her most sincerely and wish her well in her future life in rural France.

Last, but by no means least, the PCC pays tribute to the previous service of the late Harold Crowter.

EDITORIAL BOARD

Chairman: Derek Roebuck

Our editorial policy remains the same: to serve all members equally, wherever they are and whatever their relevant interests, by assisting the Institute to increase understanding of all aspects of dispute management by fostering and publishing research and debate.

We have negotiated a new contract with Thomson Sweet & Maxwell which allows us to increase the publication to 120 pages (average) for each number, with a total of 480 pages a volume. The quality of submissions has improved and no difficulties are expected in filling that new page limit with high quality material.

The November number was published on time but distribution was held back so that advertisements of new programmes could be included, saving postal charges of perhaps £10,000. The February number of 2008 was completed on time and I received the editorial copies in January. Distribution was delayed to allow for *The Resolver* to be included in the distribution. I have no responsibility for distribution and no opinion to express and the Trustees no doubt know of the new policy, which is to make the date of distribution of *Arbitration* depend on when it is most financially advantageous. I have been able to ensure that the May issue will be produced early, perhaps even by the beginning of April, to allow notice of a general meeting to be included with the distribution.

In the Sixth Report I wrote: 'Next year will bring the fiftieth anniversary of the New York Convention. I have had promises of support for a special number to celebrate that birthday, including one to help to get outstanding contributors from Dominique Brown-Berset, who is a member of the editorial board. Suggestions from trustees would be welcome.' We have enough pages now but I have heard nothing further of any initiatives. Perhaps the Trustees might express an opinion on the value of such a special number and new ideas about who should be asked to contribute. We shall have to be quick. The August number is filling up and I am considering material for the November, which will have to be the one we devote to the NY Convention, if we decide to mark it in 2008.

I would hope that new appointments to the staff might develop the use of the journal in increasing advertising and sponsorship. There is still no outside advertising – the kind that raises revenue (as far as I can see) in *Arbitration*.

EXECUTIVE

Director General: Michael Forbes Smith

If 2006 was a seminal year in the Institute's existence, 2007 proved no different. Looking back, I am pleased to be able to say that some important corners were turned in the current reform process of the Institute, following the adoption of the "Institute Strategy 2005-2010" by the Board of Trustees in November 2005. The backdrop to our work in 2007 were first the decision in 2006 to hive off the Institute's consumer and commercial service provider activities to a wholly-owned, but independently operated, subsidiary Company, IDRS Ltd from 1st January 2007, a plan first discussed two decades ago, and second the initial launch in August 2006 of the new "Pathways to Fellowship".

The Operational Review carried out by myself and Malcom McMullan (Director, Finance and Administration) provided the framework for a major reorganisation of the re-named "Executive". The departure of IDRS Ltd permitted the Executive to focus as we should have, but had not, been on our core functions as a professional body. And the results of that clearer focus and hard work throughout 2007 are beginning to bear fruit in 2008. We were fortunate in our recruiting, not least in our new Director, Marketing, Membership and Training, Mike Owen, who replaces the former Director of Operations, now Managing Director of IDRS Ltd, Allan Connarty.

The deficiencies in the original Pathways to Fellowship programme were rectified. New "jurisdiction-neutral" module specifications were drafted. Well-founded member concerns about transitional arrangements were remedied. Preparations for new adjudication and mediation Fellowship routes were begun. A comprehensive set of "Accelerated Programmes" to replace the Special Members' and Fast Track Fellowship assessments were put in place. An "Experienced Practitioner" scheme to replace the "Eminent Persons" one was agreed in principle as was a new category of Corporate Membership, to be implemented in 2008. The outcome is summarised in our recently published brochure "CIArb Pathways Programme – an Updated Summary". In England and Wales the first new modular programmes were rolled out. Plans to expand our training services, ranging from CPD to bespoke commercial training, are well developed. We began a re-assessment of our "outsourcing of the process of education" through the accreditation of academic institutions, to maximise membership growth and revenue, and to protect our intellectual property resource.

The upgrading of our Learned Society role began with the appointment of Research Fellows and the Linex alerter, NewsWatch and Members' Forum continued to develop. We are indebted to Tamara Oyre (Director, Legal Services), who left us at the end of November after 12 ½ years' service, for her work on developing our vision of an Advisory and Consulting Services Department.

Work on linking our library with the Centre for Construction Law, Kings College London and, with them, co-locating our books in the Maughan Library on Chancery Lane was almost concluded as the year ended, and will provide a significant new member resource. The development of the on-line Knowledge Databases progressed. The establishment of an Academic Advisory Board was pursued, to help direct the future activity and development of the Institute as a learned institution in dynamic and exciting ways. Our Senior Research Fellow, Aaron Hudson-Tyreman was recruited at the year's end to become, part-time, Director Research and Development, while Tony Marks, currently at Cameron- McKenna, will take over, again part-time, as Director Legal Services in May 2008.

The communications team was strengthened, the Journal re-launched under its new title "Arbitration; the International Journal for Arbitration, Mediation and Dispute Management" and the newsletter given a face-lift and re-titled "The Resolver". The pilot brand awareness programme in North America continued with the DG and Richard Rodger of the Executive attending important events in New York and Seattle. In Asia, East Asia Branch part-sponsored the second APRAG (Asia Pacific Regional Arbitrators Group) Conference in Hong Kong in December. Our efforts in South Africa had limited results, but my two visits to the Sub-Continent contributed to the re-establishment in 2008 of an Indian Branch. We supported a successful SICA-FICA course run with a San Salvador university amongst other essays into Latin America including a visit by our intrepid President, Hew Dundas. In December there were 31 Branches, 13 Chapters and 3 Networking Groups, the latter in East Asia.

We continued our efforts to encourage the mediator community to see the Institute as their natural professional home, with a public meeting on 11th July, and the formation of a Mediation Steering Group which met on 13th September. With their input, moderated by David Cornes and Mercedes Tarazon, our two mediator representatives on the Board of Management, we have completed the specification of the mediator Fellowship route which will be launched in May 2008.

The Executive supported the Panels Management Group in their re-drafting of the Institute's panel Guidance to take account of IDRS Ltd's Quality Management Policy following its takeover of the former PMG Scheme panels. It should be noted, in passing, that the Institute's Presidential ad-hoc Arbitration, Mediation and Adjudication Panels remain the prerogative of the President, though their administration is carried out under contract by IDRS Ltd on the Institute's behalf. This was the first stage towards the introduction of the Panel Appointment Certificate Scheme and the establishment of regional Peer Review Panels as required under the Charter and Bye-laws, both of which are being taken forward in 2008.

It is hoped that 2007 will be the last year when major change management costs will be incurred. Change is expensive, and the costs never entirely foreseeable. We estimate that something around £140,000 has been spent, from the beginning of the drafting of the new Charter back in 2003 till now, in change management costs – though it is difficult to identify what extraordinary costs were the direct result of the change process rather than other exigencies. The new governance system costs around twice as much as formerly. However the new operations team successfully turned round the training loss forecast in mid-year. Our room hire business in Bloomsbury Square, meeting one of our Charter obligations to facilitate dispute resolution, benefited from the move of IDRS Ltd and achieved a turnover of £339,000 in the year. In 2008 the Institute should continue to see the benefits of the reforms that Trustees have set in train over the past two years work through.

I should like to close by paying tribute to Doug Jones and Mark Entwistle. In Doug, the Institute has a truly outstanding Chairman, directing the Institute skilfully through the greatest changes of its existence. Mark has had the unenviable task of steering the policy decisions through into action, a task he has achieved with equal measures of tact and forcefulness. And thank you to the team at 12 Bloomsbury Square; unsung and often unthanked. Without them there would be no Chartered Institute of Arbitrators.

MINUTES OF THE NINETY THIRD ANNUAL GENERAL MEETING 2007

Held at: The International Arbitration and Mediation Centre, 12 Bloomsbury Square, London WC1A 2LP on Thursday 10 May 2007 at 6.15 pm.

Present:

Mr Hew Dundas, President of the Institute (in the Chair).

There were 31 members present at the meeting, who were welcomed by the President.

The Director General read the Notice convening the Annual General Meeting.

1. Apologies for absence

There were apologies from 17 members.

2. To adopt the Trustees' Annual Report and Accounts for the year ended 31 December 2006.

The President read out the motion to adopt the Financial Statements of the Institute for the year ended 31 December 2006.

The Honorary Treasurer briefly commented on the result for 2006.

The Honorary Treasurer reported that Income for the year was £4,321,373, which is only 2% up on 2005. Membership income increased by only 1% in spite of an increase in member numbers of 2.5%. Member numbers in 2006 was 10,940 whereas in 2005 it was 10,678. The reason for this is due to most of the new members coming from countries with low subscription rates.

The Honorary Treasurer informed the members that both DRS and those branches, which make appointments, had a better year with income increasing by £114k or 14%. Education and Training both centrally and in the branches had a poor year with income falling by £190k or 20%. Room Hire in London did very well and showed income of £285k for the year, an increase of £130k or 84%.

On the costs side, expenses were up by £182k or 4%, which in broad terms was roughly equal to the rise in inflation. The effect of this was that a small Operating Loss of £7k was incurred. Last year there was an Operating profit of £91k. The investment portfolio came to the rescue with a gain of £125k so that the result for the year was a surplus of £117k. In 2005 there was a surplus of £235k after a gain in the portfolio of £143k.

The Honorary Treasurer asked the members if there were any questions.

Mr Ashton asked for an explanation as to why the Irish branch is able to report impressive income figures. Mr Sherlock stated that the Irish branch is very active in running profitable schemes, courses and seminars. He added that they also attract sponsors who contribute to their activities.

Lord Hacking commended the Nigerian and Irish branch for the excellent income figures.

Following questions on how IDRS Ltd had been funded and how its results would be reported Mr McMullan, the Director of Finance and Administration, informed the meeting that the necessary funds had been drawn from the investment portfolio and that its accounts would be consolidated into the Institute's accounts.

As there were no further questions, the motion was proposed by Mr Paul Jensen and seconded by Mr Baden Hellard.

President invited adoption of the Trustees Annual Report and Accounts by a show of hands. These were adopted unanimously.

There were two further questions regarding the remainder of the lease at Angel Gate and whether Angel Gate could be sub-let to another organisation. Mr McMullan answered these questions by informing the members that there were 9 years left on the Angel Gate lease and that it continued to be difficult to find a third party tenant for it.

3. To adopt the Annual Report of the Institute in respect of the year ended 31 December 2006 (including the Minutes of the AGM held on the 25 May 2006).

The President moved for adoption of the Annual Report of the Institute in respect of the year ended 31 December 2006 including the Minutes of the AGM held on the 25 May 2006. After a short discussion, Mr Richard Morris proposed the motion, which was seconded by Mr David Ashton to adopt of the Annual Report.

The President invited the adoption of the Annual Report and Accounts by a show of hands. These were adopted unanimously.

4. To authorise the Trustees to fix the remuneration of the auditors.

Mr Roy Sherlock proposed and Mr M Lukwaro seconded the motion to fix the remuneration of the auditors. This was carried unanimously.

5. Close of meeting

The President then closed the formal part of the meeting at 6.45pm.

INTERNATIONAL BRANCH REPORTS

AUSTRALIA Branch

Chairman: Malcolm Holmes QC

The year has seen a variety of activities directed to the Branch's priorities, principally educational but also directed to raising the profile of arbitration and ADR in the Australian community.

The Branch has issued a quarterly newsletter since the launch of "*ADR Reporter*" in October 2006. As well as providing members with information about upcoming events, the newsletter has also provided updates on cases that impact the practice of arbitration in Australia.

The Branch held its Diploma in International Commercial Arbitration Course in June/July 2007. It was a great success and the Course was conducted jointly by the Branch and the University of New South Wales. Amongst the thirty speakers, notable participants included Justices Allsop and Finn from the Federal Court of Australia and Gavan Griffith, Solicitor-General of Australia from 1984-97. A dinner, hosted by the New South Wales Law Society President, Geoff Dunlevy, was held to mark the commencement of the course. Justice Paul Finn, of the Federal Court of Australia, was guest speaker at the dinner. His thought provoking address is posted on the Branch's website.

The Victorian Chapter of the Branch has been active in providing opportunities for members to meet and discuss issues of significance. Particular thanks are due to the convenor, Alan Chuck. The New South Wales Chapter of the Branch also hosted a number of events.

Members of the Branch have participated in many events throughout the year including:

- Alan Limbury officiated at the ICC International Commercial Mediation Competition in France;
- Neil Brown attended the Regional Arbitration Conference, hosted by the Malaysian Institute of Arbitration in June;
- Malcolm Holmes attended the Branch Officers' Meeting in Dublin;
- Paul Roberts attended the East Asia Branch's Cocktail Reception for the Institute's patron, Mrs Anson Chan.

The Branch has supported Australian students who have participated in international arbitration moots, including the Vis Moot and the WTO Moot. This support has been by way of a donation of \$1,500 to each of the ten Australian universities which fielded teams of students.

The Branch's Education Sub-Committee held a Members Entry Course on the weekend of 31 March 2007 in Sydney, the Diploma Course in International Commercial Arbitration from June through to July 2007. The operation of this Diploma Course followed the success of the Diploma Course that was run in conjunction with ACICA and UNSW in June 2006. The Education Sub-Committee also held a Fast Track to Fellowship Course in November 2007, in Melbourne and arranged both Fellowship and Chartered Arbitrator Interviews.

The branch is saddened to report that their much respected Branch Council member RWR Parker QC passed away on 13 June 2007.

Finally, the Branch would like to take this opportunity to thank the members of the Branch Council and the Executive Officer from the Australian Commercial Centre for their time and effort.

BERMUDA Branch

Chairman: Jeffrey Elkinson

Yet another successful year for the Branch with the usual education events being held i.e.: talks about arbitration clauses, injunctions, and a question and answer session between a lay arbitrator and a lawyer, supervised by a judge.

The highlight of the year was the Annual Dinner in November, when the Premier of Bermuda gave a speech, with additional guest of honour, Steve Certilman, trustee of the North Americas.

The branch is moving forward in 2008 with plans to assist local bodies with mediation and plans to launch its own website.

EAST ASIA Branch

Chairman: John Cock

The East Asia Branch has had yet another successful year.

The Young Members Group has shown itself to be a dynamic source of activity. Activities included several joint events with the young members' groups of other organisations including HKIE, HKIS, Law Society of Hong Kong, CIBSE and ICE, and this has proven to be an excellent and successful formula. The Vis (East) International Commercial Arbitration Moot, of which the Branch is organiser and chief financial supporter (underwriter), has at the time of writing just finished for its fifth year. A total of over 500 participants took part in the 2007 Moot. 52 teams from 13 countries argued before over 120 arbitrators from more than 20 countries. The winning team this year in the oral arguments was from Griffith University, Queensland, Australia. The Branch has continued and extended its program of activities throughout the region. Chapter development has continued throughout 2007, with formal Chapters having now been established in Japan, Indonesia and the Philippines, and interest groups in Beijing and Shanghai. The establishment of the Singapore Chapter is also in progress.

With continued spending on Chapter development, and reduced revenue from courses, the Branch again operated at a modest deficit for the financial year. However, this deficit was substantially less than in 2006 and well within the capacity of Branch reserves to sustain. The annual Winnie Whittaker Memorial lecture was delivered by Niels Kraunsoe in 2007 and was well attended. The Winnie Whittaker Memorial lecture was established in 2006 in memory of Winnie, a tireless worker and staunch supporter of the Branch who passed away in May 2005.

Now that the new Pathways program is coming on stream, the Branch Professional Development and Entry Course subcommittee, led by Peter Caldwell, is now embarking on "localisation" of the new UK-based materials to suit Hong Kong law.

The Branch continued its active program of seminars and talks in 2007, including presentations by Martin Dunn, Glenn Haley, Tim Hill, Pierre Karrer, Julian Cohen, Nerys Jefford, Heidi Petrick and Declan McDaid, James Blake and Russell Black, Steve Certilman and Hew Dundas, John Cock, Colin Wall, Louise Barrington, Tim Cole, Lawrence Craig, Doug Jones, Jan Paulssen, Teresa Cheng, Tony Houghton, Nick Longley, Richard Fernyhough QC and Andrzej Cierpicki. EAB also supported a number of conferences throughout 2007.

Social events over the past year included the Annual Dinner with guest speaker Alan Leong SC in April 2007, cocktails for new Entry Course graduates and the Fellows Cocktail Party in July, and cocktail parties in honour of Institute President Teresa Cheng in March and Patron Anson Chan in September. A number of social events were also associated with the Vis East Moot.

The Branch's Young Members' Group organised a number of social events, including a wine tasting, evening functions and hiking trips. Social events were also held in Manila, Beijing, Shanghai and Tokyo.

As at 31 December 2007, total Branch membership stood at 1,876. Of these, 1,375 were in Hong Kong, while the next two largest groups were in Singapore (213) and mainland China (118).

Concerning external communication, the Branch continues to be represented on the Editorial Committee of the "Asian Dispute Review" journal. A quarterly edition of the Branch newsletter continues to be published and the web site is updated regularly. The Branch would like to thank all members of the Committee, Primrose Law and the staff of HKIAC for their dedication and support.

EUROPEAN Branch

Chairman: Andrew Burr

2007 got off to a great start with the Branch holding an Arbitration Moot Coaching event which resulted in Dr Patricia Shaughnessy of the University of Stockholm agreeing to assist the Branch with the establishment of an annual mediation moot competition for university students.

A spring meeting in April provided attendees with excellent opportunities to meet colleagues from the dispute resolution community from all over the world. Peter Beaton (from the European Parliament) chaired the first session, addressing the topic "Alternative Dispute Resolution initiatives in the EU".

Diana Wallis MEP (Vice-President of the Parliament) introduced the European Parliament legislative resolution of 29 March 2007 on the proposal for a directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters.

Conferences were held during 2007 in Stockholm and Bucharest and were attended by the Branch Chairman. A mediation seminar was immediately followed at the Croatian Bar Association with a mock mediation at held at the University of Zagreb

Thanks to the initiative of James Bridgeman, the Dublin Forum on Arbitration and Competition Law held its first gathering at the offices of Chambers Ireland in Dublin. Attendance at this first Forum was confined to members of the former ICC Task Force on Arbitrating Competition Law Issues, which completed its mandate in late 2006, together with a select few from outside the institutional framework.

The mission of the Dublin Forum was to provide a permanent yet flexible and deliberately non-institutional discussion forum for an ongoing discourse on arbitration and competition law. A meeting in Salzburg in June uncovered a strong interest in the proposed Salzburg ADR Centre by the representatives of the Salzburg Law School and the Salzburg Law Society and is echoed by the Branch, which is keen to establish a Chapter in Austria.

The Annual General Meeting in Istanbul is anticipated to see Axel Reeg elected as Branch Chairman and Mark Raeside QC as Branch Treasurer. Considerable new blood is also anticipated to be injected into the Branch Committee following an advance postal vote.

Looking ahead into 2008, mock mediations are being organised in Turin (in conjunction with the Camera Arbitrale del Piemonte (CAP)), in Palermo and in Alto Adige in October.

IRISH Branch

Chairman: Joe Behan

The Irish branch enjoyed a busy year of events including: seminars, conferences, mediator training, annual functions and courses as well as a presidential visit by Hew Dundas on 19th September.

Of particular note, the branch hosted a very successful series of events in Dublin, in October / November comprising a meeting of CI Arb Trustees and Branch Officers followed by an International Conference.

The branch would like to thank its members and committee for their ongoing support over the year and look forward to an eventful 2008.

KENYA Branch

Chairman: Joseph Thuo

The Kenyan Branch has held a number of events throughout 2007 with terrific attendance rates. Some of these events include: courses in arbitration and construction, an AGM, Fast Track programmes and quarterly surgeries.

The Branch look forward to another busy year of events along with discussion of the proposal of their much needed upgrade of the Kenyan Branch in the next Officers Meeting in 2008.

MALAYSIA Branch

Chairman: Chong Thaw Sing

The Branch has committed to several activities for the year 2007/2008. Firstly, it is celebrating the 15th anniversary of its presence in Malaysia in 2008. The Committee is justifiably proud and excited that this celebration coincides with the hosting of several very high profile activities by the Branch this year, namely, the selection made by CI Arb UK for the Branch to host the 3rd CI Arb Congress in Kota Kinabalu in October 2008.

The Branch hosted a members night in April 2007 at the Westin Hotel, Kuala Lumpur. This event was followed by the Annual General Meeting at the same venue. More than 60 members attended the social event. More than 30 new fellows of the Institute received their certificate of membership from past Chairmen, Mr. Vinayak Pradhan, Mr Sundra Rajoo and Mr Rejendra Navaratnam.

The Branch successfully hosted a Fast Track Programme in Kuala Lumpur in September 2007. This was the last such programme as a new Accelerated Membership Programme was launched in December 07 and a peer interview was held for candidates from Malaysia and Singapore.

Mr Hew Dundas made a Presidential visit to Malaysia in October 2007. Hew visited: YB Dato' Nazri b Tan Sri Abdul Aziz, Minister in the PM Office, the Attorney- General YBhg Tan Sri Abdul Gani Patail, The British High Commissioner His Excellency Mr Boyd McCleary, YBg Dato' Noorashikin bt Tan Sri Abdul Rahim, Director of KLRCA, Ms Ambiga Srenivasen, President of Bar Council and the Dean of the Faculty of Law, University Malaya, Prof Cheong May Fong. He also delivered a public lecture at the KLRCA on the "Code of Ethics for Arbitrators".

The Malaysia Branch will host the Board of Trustees (BOT) meeting and the 3rd CI Arb Congress 2008 which elects the next two presidents of CI Arb in Kota Kinabalu Sabah from 23rd to 25th October 2008. Visit our website: www.ciarbmal.org.my.

Law Reform Committee - CI Arb Malaysia Branch was invited early this year to attend law reform committee discussions on the proposed reform to the new Arbitration Act 2005. CI Arb's involvement in the law reform is worthy recognition by the authority of CI Arb's global standing as the most recognized organization in dispute resolution.

From the Chairman's Desk - I can't but lament how time has passed by so quickly that in just one month I will relinquish my position as Branch Chairman. It has been a great learning experience for me to be in the driver's seat. It is by no means a small feat to coordinate and motivate a very diverse group of busy and dynamic professionals to work as a team to keep the 'wheels of the Branch activities' churning. I want to pay a special tribute to all my committee members for their un-waivered support. In particular, the support from the Sabah Chapter Convener Ms. Catherine Chau is gratefully acknowledged and appreciated. Without her patient work, it would be physically impossible for us to maintain an active Chapter in Sabah.

Whilst it is time for me to leave the active management of the Branch to the incoming Chairman, I will complete the three major events which I have initiated during my term of office. In conclusion, I would like to thank each and every member of the Branch for their continued support which I consider to be a reward for serving the Branch as Chairman.

NIGERIA Branch

Chairman: Babajide Ogundipe

The Branch held four Executive Committee meetings throughout 2007.

An Annual General Meeting was held on March 29, 2007 with an attendance of 61 members. At the meeting, the election to nominate the Executive Committee for the year 2007 was held.

The Branch held its 1st CI Arb Annual workshop in Abuja, in conjunction with the Federal Ministry of Justice on the 26th April 2007.

Four Entry Courses and two Special Member Courses were conducted over 2007 along with one Fellowship and Peer interview. In the future we hope to implement proposed Branch programmes such as the possibility of Introducing Mediation Accreditation Training in Nigeria.

A highlight of 2007 was the celebration of the 10th Anniversary of the Institute, when CI Arb's Director General's also visited the Branch.

The Secretariat was refurbished during the year and we gratefully received a supply of books that were donated to the Branch by the Worshipful Company of Arbitrators.

NORTH AMERICA Branch

Chairman: Murray Smith

The North American Branch enjoyed a very successful year in 2007. Membership recruitment initiatives were a priority, as well as training programs in North America.

In April 2007 the North American Branch joined with the Executive in London as an Exhibitor at the American Bar Association's Dispute Resolution Spring Conference in Washington DC. In addition, the branch co-hosted a cocktail reception for NAB members and program delegates.

The NAB has entered into a very beneficial joint training agreement with CPR. The first of four of such programs was held in October of 2006. The relationship with CPR has proven to be of tremendous mutual benefit resulting in the planning of a two day introductory training program for September 2008.

The NAB offered an entry level program and Fast Track to Fellowship program in Santa Fe, New Mexico October, 2007.

A Fast Track training program was also held in Victoria British Columbia in November 2007 in association with the meeting of the Western Canadian Arbitrators Roundtable. This fast-track to Fellowship program was attended by twelve prospective members from western Canada.

The Branch held the AGM in Santa Fe New Mexico on October 27th and elected a new Chairman. Murray Smith stepped aside and Len Ricchetti from the firm of McMillan Binch and Mendelsohn in Toronto was elected the new Chairman. The Executive Committee was largely re-elected to serve another term

The NAB was very successful in 2007 in establishing new Chapters across North America in New York, Toronto, District of Columbia, East Texas, the Caribbean, the Pacific Northwest, Southern California and Chicago.

The Branch has also advanced several concepts to deliver greater services to our members. Action has been taken to complete an online database of North American Branch members on which resumes may be posted and from which prospective arbitrators can be chosen. In due course, all member resumes will be included on the website. In addition a relationship has been established with the CDRS Dispute Resolution Training Institute to provide mutual training opportunities.

The 2007 year was very eventful and the branch is looking forward to even greater success in 2008.

SCOTTISH Branch

Chairman: Len Bunton

The Scottish Branch is pleased to report on another outstanding year.

The Branch has experienced large growth in membership, and has successfully run an interesting and diverse series of monthly events regularly attended by 40 + members/non-members. The Annual Dinner attracted 200 attendees that were entertained with an excellent address from branch Patron the Rt Hon Lord Hope of Craighead CBE. Following this, The Annual Lecture was presented in Glasgow by Professor John Uff QC to an invited audience.

The Branch has successfully put in place an Events Programme which is fixed for the proceeding 12 months and aims at providing the membership with a diverse range of subjects covering the whole spectrum of alternative dispute resolution.

External communications are now of an excellent standard with the production of high quality quarterly Newsletter and a re-vamped website which contains interesting articles on alternative dispute resolution.

A major achievement for 2007 was the publication of the Scottish Arbitration Code, which can be found on the branch website and has been well received as a major step forward in re-introducing arbitration in Scotland.

The Branch is working closely with the Justice Department of the Scottish Government, to assist on consultation for the proposed Arbitration Bill, and have also submitted a consultation paper to them on the success of the adjudication process in the construction industry.

Educational and training programmes are continuously under development with the added input of Robert Gordon University, University of Stirling and Dundee Law School.

Looking forward to 2008, the Branch will hold an Annual Dinner and Lecture with guest speakers Paul Darling QC and Sir Vivian Ramsey as guest speakers. The Branch will also chair a major conference in June 2008 with international speakers and key note speaker being the Cabinet Secretary for Justice in the Scottish Government.

The Scottish Branch would like to commend Hew Dundas for his work as President, and thank the committee, members and London HQ for their ongoing support.

THAILAND Branch

Chairman: Jayavadh Bunnag

In 2007, the Thailand Branch held four quarterly events comprising of three discussions and an Annual General Meeting.

The first event of the year was a discussion led by Branch Chairman; Mr. Jayavadh Bunnag, on the implications for arbitration in Thailand of the recent Supreme Administrative Court decision on the iTV case.

The following month in May, Mr. Weerawong Chittmitrapap, Executive Director of White & Case (Thailand) Ltd gave a talk on the Administrative Court itself, and its importance to arbitration involving state agencies in Thailand.

Mr. James Pitchon, Director of CB Richard Ellis Thailand Ltd, addressed the members with an interesting discussion concerning the condition of the real-estate market in Thailand in mid-August.

The Annual General Meeting was held on 27th November with an after-dinner speech given by Mr. David Lyman MCI Arb, Chairman of local law firm Tilleke & Gibbins, on the subject of ethics in the practice of law.

In addition to these regular events, on 16th November the Committee welcomed Mr. Colin Wall, Trustee for the Asia region of CIArb, who met with the branch while visiting Bangkok.

Regarding membership, ten existing members left, but were soon replaced by new members. There is an equal balance of both Thai and foreign members within the branch, leaving overall membership unchanged at 45.

UK BRANCH REPORTS

EAST MIDLANDS Branch

Chairman: Robert Ridgwell

The Branch continued a programme of seminars for its members during the year, including an Arbitrator's surgery and a seminar introducing ADR – the latter proved particularly successful in reaching younger professionals. The Branch also promoted joint events with other bodies including a major conference with the Society of Construction Law. Roy Pickavance who had been our Chair for a number of years stood down at the April AGM, to be replaced by Robert Ridgwell.

LONDON Branch

Chairman: Nicholas Padfield QC

2007 was a very successful year for London Branch. There has been a full programme of events which can be found on www.londonarbitrators.org.

To supplement the current programme, the branch introduced a new approach by a lecture series which focused on various dispute resolution methods, from the initial choice between litigation, arbitration and various forms of alternative dispute resolution, to the enforcement of the decision of the chosen tribunal. All of these events were hosted by a major City firm of solicitors and proved to be highly popular.

This event gave the firm the opportunity to enhance their image in arbitration and mediation, both in the UK and internationally under the aegis of CIArb (London Branch). It also provided the host firm with the opportunity to exchange ideas for mutual co-operation with CIArb, both on a training level for their employees in their specialist or general departments, and, on a higher level, for partners or those at partner level who would like the advantages of being a Fellow of CIArb or a Chartered Arbitrator.

Having the firm work in conjunction with the London Branch ultimately raises the profile of the CIArb, by attracting a high level audience to which the CIArb's message can be delivered. The firm/host pays for the event, providing the branch the opportunity to attract new members through a captive host and a captive audience. It also provides the opportunity for networking on both sides. This is a format that would work equally well where there is any body or institution (engineers, architects, actuaries etc.) where membership of CIArb would be advantageous.

The speaker at the Annual Dinner on 14th November was Commander David Johnston of the Specialist Crime Directorate of the Metropolitan Police on Hostage Negotiation. It was oversubscribed and Commander Johnston gave a very impressive address on the delicate and infinitely complex decision making process which is involved before action is taken, which could result in a loss of life.

Ron Baden Hellard died on 30th November 2007. He will be sorely missed by all of us. His passion was the Institute and the Branch. The tributes to Ron were fulsome.

Finances are in good shape thanks to the efficiency of the branch's Hon Treasurer. The branch would like to take this chance to thank its staff for their tireless work and dedication, with a special mention to the Honourable Secretary and PR Officer.

NORTH EAST Branch

Chairman: Richard Gibson

The activities of the North East Branch during the past year have continued in the same vein as the year prior. Firstly to provide a programme of technical events for the education of the members and secondly to research, prepare and implement a three-year plan to reinvigorate the Branch. The end goal of such activities is to position the Branch within the region as a leading provider of dispute resolution services.

The branch aim to achieve these goals by providing services locally and promoting these in addition to promoting the Chartered Institute of Arbitrators generally.

Three enlightening technical meetings were achieved over the course of the year, with the following speakers; Simon Baylis discussing contracts, Michael Joyce covering how to choose the right tribunal and Hew Dundas who spoke on issues affecting arbitrators conduct followed by his experiences as current President of CI Arb. It is our desire to attract different professional bodies to attend our meetings as our guests in the future.

A highlight of the year was our keynote event; a seminar on 'The Proposed Changes To The HGCR Act And The Scheme', held in the prestigious surroundings of The Royal Armouries. The Branch was honoured by the presence of three leading and well informed commentators on the review process. A hugely successful event with just over 100 people attending - the event was open to non-members.

The branch has virtually completed the development of its local arbitration scheme 'The Yorkshire Arbitration Scheme' with promotion of the scheme underway. Full details can be found on the website: www.theyorkshirearbitrationscheme.org.uk

A main focus of 2008 is to continue the improvements of our communications methods with branch members by working towards email becoming a sole vehicle of communication. The branch attempted to organise a joint meeting with professional bodies of various disciplines with a view to offering training in ADR. The response from those approached was very disappointing and for the time being the proposal is on hold. However, a local organisation set up to promote business development in the region is attempting to organise a similar group and one of the committee members will attend the first meeting

Thanks must go to the efforts of the branch committee whose assistance in running the branch affairs is what makes the Chartered Institute what it is.

NORTH WEST Branch

Chairman: Kevin Hayes

North West Branch have held an array of events over 2007 including surgeries, training courses, and dinner meetings including the annual dinner.

A number of high calibre speakers provided insightful discussion at the technical meetings including His Honour Judge Alan Taylor on 'Preparing for the hearing'; Past Branch Chairman, Richard Byrom, on the work of the expert witness; Chris Linnett and Steve Lowsley on delay analysis; and His Honour Judge Steven Davies on the work of the TCC.

The branch dinners certainly didn't lack in excellent discussion either, featuring an address by Paul Jensen, a trustee of the Institute; Hew Dundas, the President (then) of our Institute and Michael O'Shea, a solicitor with Wragge & Co.

The principal speaker of the annual dinner was His Honour Judge Gary Hickinbottom who kept all the guests entertained. Attendance at the dinner was significantly higher than last year with about 130 members and guests.

The joint arbitrators' and adjudicators' surgery was directed by Paul Jensen.

The branch is indebted to the speakers for the contributions that they have made to the meetings over the past year, and wish to thank them for giving their time freely.

The branch succeeded in taking on the task of organising and running its first five day mediation training course, resulting in feedback which was truly encouraging. With little exception, all our events have been well attended. The Branch continues to flourish.

Thanks and praise must go to the committee members for a successful year.

SOUTH EAST Branch

Chairman: Helena Brown

After a period of restructuring as Bloomsbury Square, members are starting to feel the benefits of a positive and proactive Executive. Communication between Bloomsbury Square and the Branches has improved tenfold resulting in a number of Chairmen's/Branch Officers' meetings – some of them also attended by members of the Institute's Board of Trustees and Board of Management – at which the opinions of the Branches have been sought and considered. The Pathways programme has been hugely overhauled, and we hope as a Branch to take advantage of the new developments by increasing our membership and offering more opportunities for members.

The branch has maintained a high standard of technical meetings this year, and speakers have included Marion Rich and Rod Pettigrew (Legal Director and Legal Adviser to the BCSA and HVCA respectively), Deputy Costs Judge Jennifer James, Hugh Wright from the Law Society's Legal Complaints Service, Tony Ensom, Vincent Moran of Keating Chambers, Peter Chapman, Michael Forbes Smith, Peter Aeberli and Peter Cousins.

The last meeting of 2007, at which Peter Cousins was the speaker, was a very successful joint meeting with the South East region of the ICE. It was particularly pleasing to see so many young members in attendance, and we hope to emulate some of their success in the forthcoming year. Another joint meeting with ICE will be held in November 2008.

The January 2008 meeting proved to be a particularly well received joint event with the CIOB. A number of CIOB members from that meeting expressed an interest in attending a local CIArb Introductory Course in Adjudication, thereby becoming new members of the Institute and the Branch.

The Branch held two main social events in 2007, a family outing for branch staff, and the Annual Dinner, which was held at the end of September at Barnett Hill, a beautiful Queen Anne style mansion near Guildford. Both provided a chance for Branch staff, friends and members to mix and mingle.

The branch is extremely grateful for the support of its dedicated members of the Branch Committee, who have worked hard to organise a varied programme of meetings and events.

The Branch's Mediation Group has held a number of meetings during 2007, and their ongoing ambition and commitment to increasing the profile of, and opportunities for, mediation in the Branch area are to be admired.

It is with much sadness that the branch must report the loss of two great contributors to branch life, Peter Horne and Alan Shilston. Peter was a stalwart of Branch life, and in particular made an immense contribution to the ongoing success of the Branch newsletter, News & Views. Alan Shilston was amongst the first members of South East Branch when it was founded in 1983, and was highly respected by all who knew him.

For further information of the branch please visit: www.arbitrate.org.uk.

SOUTHERN Branch

Chairman: Cliff Wakefield

Southern branch have held eight successful events between February 07 and February 08, with great attendance. The events have ranged in topic from mediation seminars through to presidents topic, arbitration and adjudication surgery and costs discussion.

We do not have any principal current initiatives in effect at this stage in 2008.

THAMES VALLEY Branch

Chairman: Matthew Bastone

The first branch meeting of the year was the AGM, where Hew Dundas, CIArb President, addressed the group on 'the role of the CIArb in the administration of justice'. He provided valuable insight into the many different areas of dispute resolution world-wide, in which the Institute is involved.

As the author of the book '*The Law and Management of Sub-Contracts*', the branch was honoured to have John McGuinness speak at a meeting on the topic of deficiencies in standard sub contract form, in which his analysis of the shortcomings of these standard form was interesting and thought provoking.

David Richbell held a workshop session entitled 'mediation in action'. Drawing from his extensive experience as a mediator he posed a number of problems to the group which were worked through in open discussion.

Following the summer recess Her Honour Judge Frances Kirkham spoke on the subject of 'fair decision making'. Judge Kirkham gave us a valuable insight into the dilemmas faced by decision makers.

Our October meeting was held in Milton Keynes, where Tony Bingham put the proposition: 'I am an arbitrator, why bother to adjudicate?'. By his use of the word 'adjudicate' Tony set out to confuse, and in this he succeeded! He managed to convince many in the audience (for a while) that he held a totally opposite viewpoint to the one he was actually espousing.

In November, the branches own Vice Chairman, Christopher Dancaster, spoke on the subject of 'an Adjudication miscellany'. He was followed by David Richards, another well known speaker in his field, discussing the subject of 'Delay Analysis in Construction Contracts – the As-Built Programme'.

In addition to regular events the branch held a series of four adjudication workshops in Stokenchurch. The calibre of the co-presenters: Christopher Dancaster and Robert Sliwinski,

combined with the comprehensive nature of the course material resulted in a very successful workshop for branch member.

The branch would like to wish its sincere thanks to the members of the Thames Valley Branch Committee, for their support and encouragement over 2007 and moving into 2008.

WEST MIDLANDS Branch

Chairman: Tim Willis

The early part of 2007 involved the branch in a number of issues following from Congress in November 2006.

Of particular interest to UK members were the new pathways to fellowship and the proposals with regard to peer review panels and panel appointment certificates.

Whilst the papers presented to Congress envisaged implementation of the new system in January 2007, the existing structure for fellows to proceed to Chartered Arbitrator status remained in place until December 2007.

As a result of the discussions at Congress, the branch considered holding courses locally in order to assist those wishing to complete pupillage by December 2007, and put this offer forward to Bloomsbury Square. To the branches delight the offer was accepted.

Work commenced on a branch appointment system and branch arbitration schemes in order to provide opportunities for new arbitrators seeking to gain experience of arbitration for panel certificates.

Two events were held in early 2007. A visit and talk from the President Hew Dundas on 7th February and an event on 25th January at Hammonds. This was followed by the Annual Conference where the topic of "Dispute Management" was discussed by a selection of high calibre speakers including; Tony Bingham, John Riches, John Rushton, Alan Dyer, Robert Gaitskell and John Kendall.

Other initiatives include improving links to professional institutes and educational bodies in which a joint dinner with the Worshipful Company is proposed to discuss options here. The branch has had an active programme of events organised by the Education and Training Sub-committee under the chairmanship of Robert Gemmel, and have worked with other bodies such as CIOB, RICS and the Adjudication Society to provide a mixture of talks and debates.

Following the AGM we held further events and have had visiting speakers including John Riches, Tony Bingham and members of Keating chambers.

In July we held a debate with members of Keating chambers debating the Melville Dundas decision in the House of Lords. The debate was both a fascinating opportunity to see eminent QC's and leading juniors debate the case and an opportunity to consider the consultation on reform of the Construction Act.

In September we held an event with the RICS considering another new area of dispute resolution in rent review cases.

In October the branch held a one day Mock Arbitration for those seeking to complete pupillage and an Arbitrator's Surgery.

Doug Jones Chairman of the board of Trustees made clear that the needs of the UK branches should not be overlooked. To strengthen the link between the Trustees and the Branches regular meetings between Branch Officers and UK Trustees are now taking place.

This resulted in meetings with the staff from Bloomsbury Square to discuss how they can better serve the membership and how we can better work with them.

A Thanksgiving service was held in memory of Harold Crowter. Harold made a huge contribution to the Branch and the Institute. It has been decided to honour this contribution with a prize. A moot or competition to encourage more active participation from members and younger members is being considered.

Education and training events will continue and the branch will hold a conference on 12 June. 2008. Teresa Cheng the President of the Institute has agreed to participate as part of her Presidential visit.

WESTERN COUNTIES Branch

Chairman: Glyn Matthews

It is with great sadness the branch lost a key member of their team in 2007 with the death of Edwin Bryant, Vice Chairman and committee member. Edwin had been a strong supporter of the Branch who contributed effectively to its running.

The past year has been one of further consolidation in which the Branch hosted workshops and meetings covering a varied selection of topics by the invited speakers.

The year began with John Riches speaking on Challenges to jurisdiction, providing stimulating debate for all involved.

The branch AGM was held in April featuring an excellent presentation on the subject of "Letters of Intent" by Pauline Makepeace.

HHJ Frances Kirkham spoke on the subject of Fairness in Decision Making while visiting in September. The branch then received Hew Dundas, the President of the Institute, who visited in November. and spoke on "Elephant Traps and other Pitfalls" as well as providing an update of changes within the Institute.

A mid term committee meeting and mediation training day were held in June. These well attended events benefit the members greatly and act as a continuity of service to the branches members.

A young members group is in development stage and the branch hope to have this up and running by 2008.

The Branch wish to thank all the committee members for their support and efforts over the last year, with special thanks to Robin Gupta for so efficiently keeping the finances in control, Jonathan and Diana Wyatt for their continued secretarial care and Mike Twine and Brian Hinchcliffe for their continued efforts and work in developing the Branch database and website.

ENDS

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