



Chartered
Institute of
Arbitrators

CI Arb

Annual Report

2008

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Reports from the Boards, Committees and Executive

BOARD OF TRUSTEES

Chairman: Doug Jones

The Board of Trustees again held two meetings in 2008, the first in London in May, and the second in Kota Kinabalu, Sabah, Malaysia, in October. The October meeting was preceded by the Malaysian Branch's very impressive International Dispute Resolution Conference, opened by the Prime Minister of Malaysia. Featuring a line-up of top-class speakers, almost all of whom were also members of CIArb, it was an excellent demonstration of the intellectual power we can deploy.

My thanks, and those of the board, go to the speakers and to the many members who attended, but most of all to Chong Thaw Sing, Past Chairman of the Branch, who steered the conference from concept to reality, and to Leon Weng Seng, current Chairman, who brought it and the subsequent meeting of Congress to a most successful conclusion.

At the close of 2008, the trustees took modest satisfaction in the completion of most of the strategic objectives set by the Institute Strategy 2005-2010, ahead of target. The initial bedding-in of the new governance system required by the 2005 Royal Charter was completed. Meanwhile, the necessary revisions to the 2006 Pathways to Fellowship training progression, together with the associated accelerated routes, were agreed.

The implementation of the Panel Appointment Certificate Scheme and the selection of Peer Review Panels were both nearing completion. So too were the related changes required of the Panels Management Group to implement the scheme and as a result of the transfer of the consumer and commercial redress services to IDRS Ltd in 2007. IDRS Ltd performed slightly above expectations, with a 2008 annual profit of £78,000, vindicating the trustees' decision in 2006 to form a wholly-owned subsidiary company.

At the end of the year, the trustees were also encouraged by the financial position of CIArb. Leaving aside the unrealised losses in the investment portfolio as a result of the world economic crisis, the Institute's operating surplus at the end of the year was £210,000.

I sympathise with the call by several members for a period of stability following the last five years of relentless change. There is also still a considerable amount of work to be done in communicating them clearly to the membership at large. But with these key final projects in place, the constitutional and training changes are effectively complete, and incremental improvement, rather than radical change, will become the order of the day.

At their October meeting, the trustees had a first discussion, based on the Executive's initial drafts, of how to identify the strategic objectives and targets which the Institute should set itself for the period 2010-2014. The questions we debated then were also put to the very successful congress held under Teresa Cheng's presidency, following the Board of Trustees meeting. Their comments are being distilled by the Executive for further discussion at the trustees' next meeting in May this year.

The Director General has summarised the work of the Executive in his report. I join him in welcoming Nicki Alvey, who joined in September as Director of Membership and Marketing, following Mike Owen's departure. The increased focus on membership issues, under her energetic leadership, is very welcome, with the successful launch of a new members benefit package.

In the course of 2008, the India Branch was re-instated, the Mauritius and Caribbean Branches agreed, and a total of four chapters in three regions were formed. While I understand total membership growth has been only around 2.9 per cent, the formation of these branches and

chapters is most encouraging, and I know the Executive will be doing all it can to support them as they develop.

The Education and Training portfolio has been moved into Aaron Hudson-Tyreman's Research and Development department, taking on the work of completing the last elements of the Pathways Programme, together with the rolling out of the Mediation Fellowship. The development of the Institute's intellectual and academic output has increased dramatically over the past two years. The Practice and Standards Committee, now under Alan Limbury's able chairmanship, has continued its run of high quality and timely guidelines and protocols. I commend these to members and urge you to use them and recommend them to your peers.

The transfer of CIArb's library holdings to the Maughan Library at King's College, London, now gives all members access to an unparalleled legal and related library in Chancery Lane. Meanwhile, the 'Learned Society' element of the Institute under Aaron Hudson-Tyreman is poised to deliver significantly more than in the past. These developments are vital for the Institute's broader standing in the dispute resolution world.

The trustees continued to give their fullest encouragement to the development of the Young Members Group, chaired since early 2008 by Helena Riches, currently Chairman of the South East Branch. While acknowledging the encouraging extent of young members' activities in, for example, the East Asian and Nigerian Branches, it is important that we continue to take forward programmes to ensure our younger members develop a long-term commitment to the Institute and its future.

Sadly, I must report the untimely death on 15 November 2008 of Dr Mohamed Aboul-Enein, our Trustee for the Middle East and Indian Sub-Continent. We will miss his wise counsel, and I send again our sincere condolences to his widow and family.

It is testimony to the passing of time that the four year terms of office of our six first full-term trustees came to an end in December. Of those, Peter Dickinson and I chose not to stand again. Trustees thanked Peter for his able contributions to the board's deliberations during the October meeting and I do so again here on their behalf. In the subsequent trustees' elections, Peter Fenn and Niall Lawless were re-elected for the UK, as was Steven Certilman for the Americas and Roy Sherlock for Europe. Richard Morris, who obtained the fourth highest number of votes in the UK election, was appointed by the board as trustee to fill the UK region vacancy until the next trustee election in 2010, when the correct turnover requirements of the constitution will require a further election. Toby Landau QC stood down as Deputy-Chairman, and in his place, Colin Wall was elected. Steven Certilman was elected to succeed me as Chairman of the Board of Trustees for 2009 and I wish him every success for his term of office.

Our new Patron, Karl Heinz Böckstiegel, gave unstintingly of his time in October. Not only did he attend the full two-day Congress with us, but gave a masterly review of the international arbitration world in his keynote speech to the Malaysian Conference. The Director General has maintained our connection, attending the DIS conference in Bonn in March 2009. We are honoured to have such a distinguished patron, and I am personally most indebted to him for accepting and taking such a close interest in the Institute.

I am delighted to thank Teresa Cheng SC most warmly for her period as President, bringing her inimitable blend of charm and rigour to our activities. I have no doubt that John Campbell QC will carry out his role as President in 2009 with all his customary vigour. We should take pride in the appointment as QC, in 2008, of Toby Landau – and, as we go to press in May 2009, of Peter Rees QC: we are privileged to have President, Chairman of the Board of Management and a UK Trustee as Queen's Counsel.

Finally, it is with humility and enthusiasm that I assumed office this year as Vice President, having been elected to this position at the 2008 Congress. I am looking forward to my term as your President in 2011.

BOARD OF MANAGEMENT

Chairman: Peter Rees QC

CIArb continued in good health throughout 2008 and, at the end of my first year as Chair of the Board of Management, I am pleased to be able to report that membership continues to grow, we have increased international reach, and we have started to fulfil our role as a learned society.

The team of directors at Bloomsbury Square has been significantly strengthened by three excellent additions. The Director of Membership and Marketing, Nicki Alvey, has had an immediate impact on the marketing of the Institute and has shown the necessary resolve and clear thinking to ensure that the website project has finally been completed.

The new Director of Legal Services, Tony Marks, has proved invaluable over the last year in providing wise counsel and incisive analysis and, I am pleased to say, has increased the extent to which CIArb obtains external legal advice on a pro bono basis, thus saving us considerable sums of money.

The Institute's training materials and its position as a learned society have been transformed by the appointment of Aaron Hudson-Tyremen, our new Director of Research and Development. His tireless work and insistence on quality will further enhance CIArb's reputation as a centre of excellence for all methods of dispute resolution.

During 2008, the Board of Management was involved in all the usual matters required for the day to day running of the Institute and its financial management. Amongst these matters was overseeing the "refreshing" of the membership of CIArb's various boards and committees, and I am pleased to say that all have spent the last year energetically pursuing their various tasks and reporting on progress regularly to the Board of Management.

The Chair of the Practice and Standards Committee, Alan Limbury (Australia), and the Chair of the Examinations Board, Ian Trushell (Scotland), were appointed at the end of 2007. The year 2008-09 saw the appointment of new chairs for the Panels Management Group, Neville Tait (England) and the Education and Membership Committee, Rowena Mulcahy (Ireland). Neville and Rowena have stepped up to the mark immediately and I have no doubt will achieve great success with their respective committees.

Accordingly, I would like to take this opportunity to thank the two committee chairs who stepped down this year, Marcus Rutherford and Tinuade Oyekunle, for their tireless work in chairing the Panels Management Group and the Education and Membership Committee respectively.

Another person to whom I would like to extend my thanks is Steve Certilman who, at the end of 2008, stepped down as one of the Trustee Representatives on the Board of Management in order to take up his new role as Chairman of the Board of Trustees. Steve was a regular and a positive contributor to Board of Management business and I am sure his valuable contributions will continue to be made whilst chairing the Board of Trustees. In his place, I am delighted to welcome Richard Morris as a Trustee Representative on the Board of Management.

2008 saw the re-establishment and re-invigoration of CIArb's Young Members Group under its new Chair, Helena Riches who has, in consequence, become a member of the Board of Management. A number of activities have already happened or are being planned for this year.

Further development of CIArb's involvement and interest in mediation saw the appointment, in 2008, of our first tranche of Mediation Fellows. Fifteen Mediation Fellows in all have now been appointed from seven different countries; again a fine reflection of the Institute's international involvement in this increasingly popular form of dispute resolution.

In October 2008, our biennial Congress took place in Malaysia and was linked to a very successful international conference with a high quality panel of speakers and a large attendance.

I was particularly anxious to obtain from those attending Congress ideas for how they would like to see things taken forward in the next two years and I took away a lengthy “shopping list” of items for action.

Briefly, these were as follows:

- Set up a meeting between the Director General of the Institute and the Executive Director of the International Bar Association in order to learn more from the IBA about their very successful fundraising activities — arranged.
- Examine the Institute’s subscription collection arrangements and the possibilities for outsourcing this, increasing the efficiency of collection, and the possibility of collection in local currency — a preliminary paper has already been presented to the board and a more detailed paper will be presented later in the year.
- Conduct a survey, and gather together a comprehensive collection of the Rules and Bye-laws of branches and chapters — underway.
- Conduct a review of Branch Model Rules — underway.
- Improve communication with branches and, in particular, keep them informed of the activities of the Board of Management and the various boards and committees of the Institute — reports of Board of Management meetings are now being included in the newsletter to the branches.
- Explore the sponsorship opportunities for our journal, “Arbitration” — this has been done and opportunities have been identified.
- Consider the allocation of votes for the Presidential Electoral College and make recommendations to the Board of Trustees — underway.

As can be seen from the above list, the Board of Management will have plenty to keep it occupied in 2009. I have no doubt that we will cope with all this and more, given the quality of the members of the Board of Management and of the Executive, all of whom provide help and encouragement in full measure.

EDUCATION AND MEMBERSHIP COMMITTEE

Chairman: Rowena Mulcahy

The composition and chairmanship of the Education and Membership Committee changed during the year. The committee had comprised the following from its establishment in 2005 until June 2008: Tinuade Oyekunle (Chairman), Jose Rosell, Rowena Mulcahy, Pauline Makepeace, Michael Joyce, Louise Barrington and Raymond Ho. Having completed three years as Chairman of the Committee, Tinuade Oyekunle stood down in June 2008 and Jose Rosell and Raymond Ho retired from the committee. The committee wishes to record its gratitude to all three members for their valuable contribution.

Rowena Mulcahy was appointed Chairman of the Committee in place of Tinuade Oyekunle in June 2008. Three new members were subsequently appointed and in the latter half of the year

it comprised: Rowena Mulcahy (Chairman), Axel Reeg, Pauline Makepeace, Michael Joyce, Louise Barrington, Norman Mururu, Richard Mwonga and Rashda Rana.

The committee met three times during the year in March, June and December. During 2008, it approved the new modules and specification of Member to Fellow route for mediators. It supported the plans for the establishment of two new member schemes, namely the Corporate Member Scheme and the Experienced Practitioner Route to Fellowship. Finally, it approved the Institute's Recognised Course Provider Scheme.

Applications which had been received by CIArb from individuals in branches who wished to act as tutors and course directors were reviewed by the committee in accordance with the Institute's policy for the appointment, monitoring and removal of tutors, examiners, assessors and course directors. A list of tutors and course directors was prepared and subsequently approved by the committee.

The committee recommended that a mentoring scheme should be established so that members who had acquired academic qualifications but who had no practical experience of the arbitral process could acquire that experience. The committee was of the view that this would be most effective if established at branch level and it recommended that the Panels Management Group consider establishing a mentoring system and creating guidelines for its operation.

The transitional arrangements for admission to Chartered Arbitrator status through the former pupillage route expired on 31 December 2007. The committee addressed certain specific matters arising out of the transitional arrangements and issued recommendations regarding these.

The committee recognised that with the abolition of the pupillage, it may be difficult for Fellows to progress to Chartered Arbitrator status. It considered how CIArb could assist Fellows to gain the requisite experience to enable them to progress to Chartered Arbitrator status. The committee was of the view that the branches should be encouraged to establish local arbitration schemes and appoint Fellows who had experience in the relevant area to references under the arbitration schemes. Branches that have already established arbitration schemes should be encouraged to assist other branches by passing on their knowledge and experience in the establishment and operation of the schemes. The committee recommended that the Panels Management Group prepare guidelines on the establishment and operation of schemes by branches.

The committee expressed concern that CIArb's Award Writing Examination was no longer conducted under exam conditions. The matter has been reviewed by the Assessment and Examinations Board.

The IMI agreed to have CIArb listed in Category 1 and Category 2 of the IMI's Experience Qualification Path. As a result, CIArb Accredited Mediators who have achieved Fellowship through the mediation route can qualify for IMI Certification without having to take the IMI Competency Certificate Test.

CIArb Accredited Mediators who are on the Institute's Mediation Panel, but who have not achieved Fellowship through the mediation route, can also qualify for IMI Certification without taking the IMI Competency Certification Test. This is provided that they have an endorsement from CIArb that they are experienced practising mediators and accredited mediators who at the time of applying for IMI Certification are on the Institute's Panel of Mediators. CIArb Accredited Mediators who are on the Institute's Panel of Mediators should apply for IMI Certification before 30 June 2009. After this date, only CIArb Accredited Mediators who achieve Fellowship through the mediation route will continue to be entitled to be IMI certified without having to take any further test.

PRACTICE AND STANDARDS COMMITTEE

Chairman: Alan Limbury

Last year saw various changes in the composition of the Practice and Standards Committee. John Wright joined in January 2008 to fill the vacancy created by the departure of our former Chairman, Peter Rees QC, to become Chairman of the Board of Management. As President, Teresa Cheng became a member, ex officio, of the committee and its sub-committees.

Until July, the committee comprised: Chairman Alan Limbury (Australia), Andrew Bartlett (UK), Christopher Dancaster (UK), Giovanni De Berti (Italy), Giovanna Kwong (Hong Kong), Richard De Lacy (UK), Harland Lindsay (Canada), Adam Samuel (UK), Christopher To (Hong Kong), John Wright (UK), Peter Rees QC (Chairman, Board of Management – ex officio) and Teresa Cheng (President – ex officio).

In July the committee was reconstituted as follows: Chairman Alan Limbury (Australia), Andrew Bartlett (UK), Michael Cover (UK), Christopher Dancaster (UK), Giovanni De Berti (Italy), Thomas Halket (USA), Wolf von Kumberg (UK), Giovanna Kwong (Hong Kong), Adam Samuel (UK), Chong Thaw Sing (Malaysia), John Wright (UK), Peter Rees QC (Chairman, Board of Management – ex officio), and Teresa Cheng (President – ex officio).

Also in July, the Board of Management approved the continuation of the Arbitration Sub-Committee, chaired by John Wright, and the Mediation Sub-Committee, chaired by Giovanni De Berti, and their respective work programmes until 2010.

During the year, three face-to-face meetings of the committee took place. Due to the range of time zones in which members reside, it was resolved early in the year to use the committee chat forum on CIArb's website as our principal means of communication but, due to technical difficulties, this proved unreliable.

The committee made the important decision, in the interests of thought leadership, that its guidelines, hitherto generally confined to members, should be published and made widely available. The committee approved the Mediation Rules and the Guidelines on Selection and Appointment of Mediators, Confidentiality in Mediation and Termination of Mediation, prepared by the Mediation Sub-Committee. The committee also approved the Guideline on Awards of Interest, the Guideline on Formalities for Drafting an Arbitral Award and the Protocol on e-Disclosure in Arbitration, prepared by the Arbitration Sub-Committee. The Protocol was launched in October 2008 and has been widely welcomed.

A working party, which includes members of both sub-committees as well as other experts, was established to consider a possible Protocol on Med-Arb, designed to identify and suggest ways to overcome the difficulties involved in having the same person mediate and arbitrate the same dispute. As both Phillip Capper and Teresa Cheng said at the Kuala Lumpur Conference, "hybrid processes are expected to become more widely accepted, so it behoves CIArb to address them".

The Mediation Sub-Committee began work on a Model Mediation Agreement and has plans to address online dispute resolution. The Arbitration Sub-Committee was asked to comment on proposed rules for the UK Family Law Arbitration Scheme. The fruits of this work are expected in 2009.

I would like to express my thanks to all members, past and present, of the committee, its sub-committees and the working group, and to the Committee Secretary, Obi Opara, for their contributions. I would also like to thank the 2008 President, Teresa Cheng and the Director General, Michael Forbes Smith, for their guidance and insight as to how the committee might best function.

ASSESSMENT AND EXAMINATIONS BOARD

Chairman: Ian Trushell

The Assessment and Examinations Board held three meetings in 2008 in March, July and November.

The core members were: John Sims, Pauline Makepeace, Teresa Giovannini and Elena Blanco. Those standing down were Anna Machin, Harry Arkin, James Mumford, Stuart Williams and Teresa Cheng (President). Joining the board were Paul Marrow, Charles Brown and Joe Behan.

During 2008, the board:

- agreed a marking scheme for the Award Writing Examination
- approved the list of Tutors and Examiners
- dealt with complaints
- considered mitigating circumstances affecting candidates' performance
- met to consider Candidates' Regulations, agreement on which is currently being sought.

THE PROFESSIONAL CONDUCT COMMITTEE (PCC)

Chairman: Arthur Harverd

The Professional Conduct Committee (PCC) comprises: CIArb members Arthur Harverd (Chair), Sir Philip Otton QC, Eugen Salpius, Neil Kaplan CBE, QC, Michel Kallipetis QC, Tony Canham and Mark Entwistle and lay members Olivia Morrison Lyons, Neil Menzies and Martin Dudley.

The Board of Trustees has agreed to increase the number of CIArb members of the committee from seven to nine. It is intended that a resolution to amend the Bye-laws to this effect will be proposed at the Institute's EGM in May 2010.

Peter Chapman resigned as chairman and a member of the PCC in March 2008 following three years as chair and six years' service on the committee. Marie Helene Kutek resigned as a lay member in April 2008 following her move to live in France. The PCC wishes to record its appreciation of the major contribution made by both to the work of the committee.

Mark Entwistle, a past chairman of CIArb's Board of Management, joined the PCC in October 2008. His broad experience as an arbitrator, civil engineer and barrister will add considerably to the PCC's assessment of complaints made against members.

The committee also welcomes Tony Marks, CIArb's new Director of Legal Services, who acts as legal counsel to the PCC. He has already advised the PCC on many issues.

Sandra David married during the course of the year and is now Sandra Greenaway. The committee wishes her every happiness for the future and is pleased that she continues her sterling work as Secretary to the committee.

There have been 10 new cases of alleged misconduct, one of which has been referred to a Peer Review Panel. The outcome of this review is awaited. The PCC has dismissed allegations of all other cases completed during the course of the year. Accordingly, no complaints have been referred to a disciplinary tribunal.

As noted last year, 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. Other complaints concern poor standards 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.

PANELS MANAGEMENT GROUP (PMG)

Chairman: Neville Tait

The membership of the Panels Management Group (PMG) in 2008 comprised: John Campbell QC, Mair Coombs Davis (IDRS representative), Arthur Harverd, Anthony Houghton SC (East Asia Region Representative) Jane Irving (Scotland), Sir Philip Otton QC, Tinuade Oyekunle (Africa Region Representative), John Price (Convener of Mediation Panel), Marcus Rutherford (Chairman to September 2008), Derek Simmonds (Convener of Arbitration Panel), David Simper (Convener of the Adjudication Panel) and Neville Tait (Chairman from September 2008).

The PMG has been involved in three main tasks during 2008:

- finalisation of *The Guidance*
- formation of the Peer Review Panels
- introduction of Panel Appointment Certificates (PACs)

The Guidance is a document put together by the PMG. It brings together all that the branches and their members need to know about being admitted to the Institute's panels of arbitrators, mediators and adjudicators (jointly referred to as neutrals) and being considered for appointment as such by the President. *The Guidance, Edition 1, 2009* is divided into thirteen parts covering ethics, procedure, the Panel Appointment Certificate Scheme, Peer Review and Interview Panels for Arbitrators, Adjudicators and Mediators, the PMG itself, application forms, interviews for Chartered Arbitrator status, the Construction Industry Adjudicator Panel and the Panel of Experienced Commercial Mediators. It will be available on CIArb's website by the end of May 2009.

From May 2009, the President will only appoint neutrals who are in possession of a valid Panel Appointment Certificate (PAC). The purpose of the PACS is to enable members of the Institute to demonstrate that they are suitable and competent for consideration for appointment and that they wish to be considered for appointment.

The granting of a PAC is available to all existing members of the Institute's main panels of arbitrators, mediators and adjudicators upon application. Application is made by completing an online personal profile which is held on a searchable database managed by IDRS Limited, on behalf of the Institute. Satisfactory submission of the personal profile and evidence that the member has complied with the current CPD requirements, will result in a PAC being issued for the relevant panel or panels.

From the commencement of the scheme, initial PACs will be awarded for a period of four or five years, following which the member will have to re-apply at five yearly intervals thereafter and be subject to peer review by the newly formed Peer Review Panels (PRPs). All newly qualified Chartered Arbitrators, accredited adjudicators and accredited mediators will be granted an initial PAC for three years, renewable at five yearly intervals thereafter.

Peer Review Panels have been created for each of the Institute's three main panels. In due course, it is intended that each of the Institute's main regions will also have its own PRP, subject to the approval of the PMG. The purpose of the PRPs is twofold. Firstly, it is to carry out the review of the members' activities and CPD when the PACs become due for renewal. Secondly, it is to review and monitor the performance of panel members as necessary, following complaints about performance received from users and others, or referred to the PMG by the Professional Conduct Committee.

EDITORIAL BOARD

Chairman: Derek Roebuck

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

In putting this policy into practice, *Arbitration* must play its part in ensuring that CIArb becomes a learned society and performs the other educational and research duties placed upon it by its Charter.

In addition, full use should be made of opportunities to generate income, through advertising, meetings, sponsorship and otherwise.

The new contract with Thomson Sweet & Maxwell allowed an increase to 120 pages average for each number, with a maximum of 480 pages a volume. Volume 74 for 2008 had 478 pages. All four numbers were produced on time. There were no difficulties in filling that new page limit with high quality material. The submissions continued to improve and the peer review procedure worked well. Members of the Editorial Board performed important functions in reviewing and suggesting reviewers.

The journal's content shows that two of its objectives are being achieved. It covers all forms of dispute resolution and management and it draws its contributions from all parts of the world, not only from members. One or two fine contributions have come from students and the encouragement will continue.

Gordon Blanke, of SJ Berwin in 2008, but now working in Dubai, has been book review editor for nearly all of 2008 and is now playing a full part as a member of the Editorial Board. The procedure for ensuring we have good book reviews quickly is now working well.

The progress of the journal would not have been possible, and certainly not as pleasant, had it not had the continuing strong and generous support of Hew Dundas and Ken Salmon.

There are plans to recognise CIArb's truly international character in various ways. The next three presidents will come from Scotland, Ireland and Australia. In each of their years of office, it is intended that a part of one number will have an appropriate national theme, starting with an emphasis on recent developments in Scotland in the November 2009 number. A start has been made on preparing the November 2010 number with an Irish flavour.

Cooperation with the Three Faiths Forum has ensured that the journal can publish the two essays which won its prizes in 2008. They will appear in the November 2009 number. The prize is awarded for the best essays on any subject related to dispute resolution in any of the three Abrahamic faiths: Judaism, Christianity and Islam. The two prizewinners for 2008 deal with Islamic themes and I hope that they will extend to other contributions to the August 2009 number.

Ambitions to develop the use of the journal in increasing advertising and sponsorship remain to be achieved. There was no advertising in the first number for 2009 but a start has been made and I hope that my next report will show that the journal is helping to produce some revenue at last. It is only ten years since the old Council instructed us to get on with it.

I still believe *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management* to be in good condition and available for development in any way the trustees and members see fit.

EXECUTIVE

Director General: Michael Forbes Smith

The most common single plea I tend to get from members is for a period of stability, following an extended period of dramatic change. This is often allied to a confession that the member does not understand what has changed, how the new training progression works, what is it exactly that IDRS Ltd does?

I could answer, perfectly truthfully, that every member should have received detailed information, either through *The Resolver*, by individual letter if a member of the Presidential panels, through (I hope) his or her Branch Chairman following the long series of letters from me, the Chairman of the Board of Trustees and my Directors on every aspect of the developments of the past three years, or from the website. But the reality is that we have indeed undergone a hugely complicated transformation, of which most members have been only occasionally aware.

2008 was a period of completion and consolidation of the Pathways to Fellowship and related programmes, planning for our 2009 training activities, further internal reorganisation of the Executive, and the start of serious work towards identifying the key elements of CIArb's strategy for 2010-14. To reassure members, this will be one of consolidation and positioning to face likely developments in the market, rather than any further wholesale re-organisation. A key element of the 2009 agenda will be to fill in the gaps in your understanding of what has changed, how it affects you in your particular situation and to reassure you that no further upheavals are planned for some considerable time.

This mission will be made much easier following the arrival in September 2008 of Nicki Alvey as my Director of Membership and Marketing following the departure of Mike Owen last May. I am much impressed by the verve, enthusiasm and industry with which she is revitalising our communications functions. The new website will at long last be live by the time you read this. The intranet was reactivated and plans put in hand to upgrade *The Resolver*. Branch chairmen now receive their own monthly newsletter, for dissemination to their members.

In 2008, the number of applications, both for membership and upgrading by existing members, was four times that of five years ago. There are significant concerns about membership attrition in some regions, particularly the UK and Hong Kong, but we should be encouraged that our attractiveness as a global institute does appear to be on the increase. Sue McLaughlin's role as Member Services Manager was redefined in the course of the year and she now provides support for all branches in connection with branch issues generally and constitutional issues.

We welcomed our 12,000th member, Jeff Vallis, an attorney based in Calgary, Canada, on 7 November 2008. As Doug Jones has already noted, we opened or re-constituted branches in Mauritius, the Caribbean and India, and the trustees approved the formation of four more chapters in three different regions.

Responsibility for education and training at director-level has been transferred to Aaron Hudson-Tyreman, merging all areas of knowledge-based development; the learned society, education and training and research, into an expanded Research and Development department. Anita Phillips arrived as our Education and Training Manager in March. Staffing constraints caused delay, but we made significant progress including a rigorous review of the mechanics of our training delivery, an analysis of the rationale for and suitability of some of the proposed new training opportunities and the preparation of a better-targeted and more attractive package for 2009.

Completing the revision of 'Pathways', which is now fit for purpose, was an immense task. The mediation fellowship launch on 29 May captured strong interest in the mediation community. Unforeseen, but understandable, delays in completing the course materials set back the first call for candidates but our list of interested members will have received their invitations to apply by the end of May 2009.

One of the central tasks of the year was revitalising the “Learned Society” and research functions, laying the ground to lift the standing of CIArb as the representative body for our disciplines more aggressively than ever before. Doug Jones has noted the sterling work of the Practice and Standards Committee, first under Peter Rees (whom I congratulate on his recent elevation to QC) and now Alan Limbury. The department ran a sell-out mediation symposium at Bloomsbury Square on 24 September, with speakers drawn from leading CIArb mediators in the UK and internationally, and we are now actively planning the next mediation event.

A joint ICC UK / CIArb conference for young international arbitrators was held at the Park Lane Hilton in September, which was an outstanding success. By transferring our tired library holdings to the King’s College London Maughan Library, we have secured for members access to one of the largest and most prestigious legal libraries in London. The R&D team laid the foundations both for an international internship programme recognised by Cambridge University and for a prestigious named scholarship scheme. In addition, the R&D team are participating in the judicial research being carried out by the Technology & Construction Courts, the Centre of Construction Law & Dispute Resolution King’s College and now the Court of Appeal.

The creation of greater links with academic institutions grew. With the Recognised Course Provider Scheme, our out-sourcing of education has begun to be put on a more rigorous (and remunerative) basis. Branches are invited to participate in these developments. We were able to respond to requests for professional advice in a more effective and timely manner as the Institute’s more focused research and academic function developed, which was well received by practitioners.

Our Director of Legal Services, Tony Marks, ably supported the PMG and Neville Tait, its new Chairman, as they prepared for the roll-out of the Panel Appointment Certificate Scheme (PACS). The necessary electronic CV project being carried out by IDRS was completed in February and members of the Presidential panels will by now know that the project is finally active. The process of selecting senior practitioner members to sit on the Peer Review Panels was also advanced.

In the course of 2008, I visited South Africa for a most successful conference, largely underpinned by the Nigerian Branch. Sadly, hopes of it generating the impetus to form a branch did not materialise. I was delighted to attend the 10th anniversary celebrations of the vibrant Nigeria branch; one of nine visits to branches throughout the world, from Wales to Hong Kong. I also attended the ICC Mediation Competition in Paris, the Vis Moot in Vienna and of course, ICCA in Dublin, where a group of our most eminent practitioners gave their time for a most useful round-table on the future of dispute resolution and CIArb. In December, I was privileged to be asked, together with the Greek development minister, to present Accredited Mediator Certificates to successful candidates from a course run at the request of the Greek Government in Athens by Amanda Bucklow.

I note that Doug Jones, with his customary modesty, did not mention in his report that he concluded a hugely successful three years as Chairman of the Board of Trustees in December. It is hard sometimes to recall the storms and rocks on which we might have foundered over these three years, but for his quiet yet authoritative wisdom, tact and rigour. Without him, we might have failed in the enterprise to bring CIArb up to speed with the world of today. That we have come so far so quickly is, in my view, almost entirely due to his inspired guidance and leadership. On behalf of CIArb, I thank him for that, and also for his unfailing support and advice to me personally over my own three years thus far as Director General. I should like to congratulate his successor, Steve Certilman, on his appointment, and look forward to a continuing fruitful partnership between the Executive and the Board. I should also thank Peter Rees QC who has been an able and inspiring Chairman of the Board of Management.

Despite some successful recruiting over the Christmas period, the Executive is still operating at the very limits of our capacity. We have some outstandingly loyal, devoted and effective staff, who have given me and the Institute unstinting support.

We said goodbye to some of our best known and longest-serving staff in the course of the year. Our thanks in particular go to Diane Dodsworth and Anne Kenny whose experience and commitment to CIArb made them so indispensable over so many years. In my directors, Nicki Alvey, Aaron Hudson-Tyreman, Tony Marks and Malcom McMullan, CIArb has a senior executive team of outstanding talent and industry.

All in all, I believe the Institute can take justifiable pride in our achievements across the whole range of private dispute resolution since the adoption of the new Charter in February 2005.

MINUTES OF THE NINETY FOURTH ANNUAL GENERAL MEETING 2008

Held at The International Centre for Arbitration and Mediation, 12 Bloomsbury Square, London WC1A 2LP on Thursday 8 May 2008 at 6.15 pm.

Present:

Teresa Cheng SC, President of the Institute (in the Chair).

There were 27 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 25 members.

2. To adopt the Trustees' Annual Report and Accounts for the year ended 31 December 2007

The President read out the motion to adopt the Financial Statements of the Institute for the year ended 31 December 2007.

The Honorary Treasurer briefly commented on the result for 2007.

The Honorary Treasurer reported that Income for the year was £5,001,291, which is only 1.2 per cent up on 2006. Membership income is up by £94k in 2007. Members' numbers increased from 10,940 at the end of 2006 to 11,142 at the end of 2007. The Appointment and Scheme Administration Fees increased by £440k or 48 per cent in the year. This was mainly due to IDRS Ltd, which increased its income by 53 per cent over DRS's income in 2006.

Education and Training went from £752k to £870k, an increase of 15 per cent.

Finally, Room Hire at Bloomsbury Square had another very busy year and achieved income of £339k, an increase of 19 per cent.

On the cost side, the Institute's costs went up by about 8 per cent. This is mainly due to inflation which we consider has been about 5 or 6 per cent and the remainder is due to increased activity as reflected in the increased income.

With regards to the investment portfolio, in spite of the market turbulence in the second half of the year, we made a net gain in our investment portfolio of £63k.

With regards to IDRS Limited, the Honorary Treasurer informed the meetings that turnover for the year was £1,284k, which was a 53 per cent increase on DRS's 2006 turnover 22 per cent of

this turnover, was from sources that were new in 2007. Like for like turnover increased by 20 per cent.

Although IDRS Ltd lost £203k in the year, this was after charging expenses totalling over £130k which were in respect of exceptional costs relating to it being a company rather than a division, the need to market itself as a separate company, costs of the move to Angel Gate and recruitment costs as it built up its staff to cope with the increased turnover. Of these exceptional costs approximately £70k can be considered as recurring and £60k as non-recurring.

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

Lord Hacking asked if IDRS Ltd is paying full rent for occupying Angel Gate. Mr Sherlock informed him that only a small contribution is being received from IDRS Ltd in respects of rental income, as they are only occupying two floors in the building.

As there were no further questions, the motion was proposed by Mr Roy Sherlock and seconded by Mr Colin Wall.

The President invited adoption of the Trustees Annual Report and Accounts by a show of hands.

These were adopted unanimously.

3. To adopt the Annual Report of the Institute in respect of the year ended 31 December 2007 (including the Minutes of the AGM held on 10 May 2007)

The President moved for adoption of the Annual Report of the Institute in respect of the year ended 31 December 2007 including the Minutes of the AGM held on the 10 May 2007.

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 Tony Canham seconded the motion to fix the remuneration of the auditors.

The President invited the adoption to authorise the Trustees to fix the remuneration of the auditors by a show of hands.

This was carried unanimously.

5. Close of meeting

The President then closed the formal part of the meeting at 6.40pm.

INTERNATIONAL BRANCH REPORTS

AUSTRALIA Branch

Chairman: Derek Minus

The year has seen a variety of activities in support of the branch's priorities, principally educational, but also directed to raising the profile of arbitration and other forms of dispute resolution in the Australian community.

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

The branch held its Diploma in International Commercial Arbitration Course in co-operation with the Australian Centre for International Commercial Arbitration (ACICA), the Australian Commercial Disputes Centre (ACDC) and the Malaysian Branch of CIArb, from 1 June to 14 July 2008.

Among the thirty speakers and panellists, were the branch's own Malcolm Holmes, Neil Brown, Gavan Griffith, Pathma Nagarajan, Rashda Rana, Albert Monichino and Damian Sturzaker. Other notable participants were Justice Allsop from the Federal Court of Australia and Chong Thaw Sing, Past Chairman of the Malaysian Branch. The Diploma Course was celebrated at a dinner hosted by the Law Society of New South Wales in September 2008.

The branch made a significant contribution to support 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 10 Australian universities which fielded teams of students representing their university at any arbitral moot.

The New South Wales Chapter of the branch hosted a number of arbitral events, including a well attended celebration of the 50th Anniversary of the New York Convention in February 2008, sponsored by legal firm Freehills and in conjunction with ACICA and ACDC. The event featured a speech by Professor Gillian Triggs, Dean of University of Sydney Law School, and was chaired by former Chief Justice of Australia, Sir Gerard Brennan with Bronwyn Lincoln as commentator.

Other events included:

- an address from David Rivkin, espousing the town elder model of arbitration
- an address by Dr Tom Altobelli on Mediation in the Federal Magistrates Court
- a Great Debate, arguing that "lawyers should not be involved in mediations and arbitrations" co-presented with ACICA
- a presentation by Harold Werksman on Effective Negotiation Strategies
- a Christmas party

The Victorian Chapter of the branch has also been active in providing opportunities for members to meet and discuss issues of significance. Particular thanks are due to the convenor of the chapter, Albert Monichino, assisted by Alan Chuck, Harry Mclver, Beth Cubitt, Peter Megens and the Hon Neil Brown QC. Events included:

- a seminar on mediation and arbitration featuring Charles O'Neil
- a cocktail party to celebrate the establishment of the arbitration library within the Supreme Court library, with the Chief Justice of the Victorian Supreme Court, the Hon Marilyn Warren, as honoured guest
- a joint Christmas event with IAMA and Piper Alderman.

Following Peer Interviews arranged by the Education Sub-Committee, the branch welcomed the following Fellows: Amanda Lees, Khory McCormick, Siu-Wing Selwyn Chan, Andrew Robertson, Michael Heaton QC, Max Bonnell, Ted Tzovaras, Georgia Quick and David Roberts.

Following Chartered Arbitrator Interviews arranged by the Education Sub-Committee, the branch welcomed, as Chartered Arbitrators, Scott Ellis and Bob Holt.

Derek Minus was elected by the committee to the position of Chairman on 24 November 2008 upon the resignation of Malcolm Holmes QC to take up the role of Australasian member of the Board of Trustees.

Finally, may I take this opportunity to thank the members of the branch committee. Their contributions have been substantial both in time and effort. I also thank the Executive Officer from the Australian Commercial Disputes Centre, Emma Matthews, and her staff for the unstinting administrative assistance and support they have given the branch.

BAHRAIN Branch

Chairman: Yousif Zainal

The principal branch officers for 2008 were: Yousif Zainal (Chairman), Hisham Baban (Vice Chairman), Dr Mohammed Redha Hussain (Honorary Secretary) and Loay Qarooni (Honorary Treasurer).

The branch was re-activated in November and following a meeting of members, an interim branch committee was elected.

The chairman has opened discussions with the relevant authorities to arrange for the branch to be legally constituted in Bahrain.

Following successful international arbitration training programmes provided for the Ministry of Justice during 2008, the membership of the branch has increased to more than 80.

BERMUDA Branch

Chairman: Jeffery Elkinson

The Bermuda Branch had an active year again. The focal point was the mediation course conducted by Paul Godin and Michael Dickstein of the Stitt Feld Handy Group. Participants received certification from the Law School of Notre Dame University. In addition, video examinations of persons applying to become accredited mediators of CIArb subsequently were conducted and sent to the Institute in London for assessment. Six achieved accreditation by this method. The co-operation and support of the Executive in London made this possible and we hope to repeat the exercise in the coming year.

The branch assisted the Construction Institute, the Institute of Architects and the Institute of Surveyors and others in preparing new standard terms and conditions for the Bermuda Standard Construction Contract which will include revised dispute resolution provisions.

It is believed that the number of arbitrations in Bermuda has increased although it is difficult to assess how but the branch executive will consider how to put a system in place to measure this accurately.

The annual dinner, be it the eleventh or twelfth, (there is some debate about this) was a great success. FourWays, one of our premier eating establishments, did an excellent job in catering the event which was attended by CIArb members and members of our judiciary. The Governor of Bermuda, Sir Richard Gozney, was the guest speaker and spoke on the role of diplomacy in dispute resolution, entertaining us with interesting facts and humorous anecdotes.

The branch looks forward to another year in which it is hoped that we will achieve our long term goal of establishing a dedicated arbitration centre for commercial disputes.

CAIRO Branch

Chairman: Taher Hozayen

The past year engraved another mark of success for the Cairo Branch. The level of branch membership increased by approximately 25 per cent. It is noteworthy that the membership profile of the branch extends beyond its geographical limitation, as it has members from Sudan, Syria and Lebanon.

In June 2008, the branch organised a very successful Entry Course which was attended by around 100 participants from Egypt, Libya, Iraq, Oman, Morocco, Syria, UAE and Saudi Arabia. The agenda included various new tutorial items introducing, for example, practical training on multi-party arbitration.

The organisation of regular Cairo courses provides an excellent opportunity to increase the number of Arab approved tutors from Egypt and other neighbouring countries, a matter that significantly helps in further raising the profile of CIArb in the region.

Dr Mohamed Salah Abdel Wahab, the Vice Chairman of the branch, delivered an extremely interesting lecture entitled *"The 'New' New York Convention: A Midsummer Night's Dream or Procrastinated Reality?"* The lecture touched upon the salient features of the new proposed draft Convention and discussed whether it responds to practical needs.

Throughout the past year, the branch recorded local needs for training and education in the field of commercial mediation. Accordingly, it started inspecting the market in this regard and exploring possibilities to hold mediation training courses in collaboration with local institutions and international organisations in the field such as the CRCICA Mediation and ADR Centre and the Egyptian ADR Association.

CIArb Cairo Branch lost its establisher Dr Aboul-Enein who died in November 2008 in a car crash. Dr Aboul-Enein established the branch in 1999 and acted as its chairman until 2005 when he joined the CIArb Board of Trustees, where he remained until his untimely death. The branch committee and members shared with the local and Arab legal community the grief of losing the godfather of Arab arbitration who will be much missed. As Manfred Arnold commented, "With Dr. Aboul-Enein's passing, the international arbitration fraternity loses a valuable and highly respected member."

EAST ASIA Branch

Chairman: John Cock

The principal East Asia Branch officers for 2008 were: John Cock (Chairman), Timothy Hill, (Vice-Chairman), Nicholas Longley (Honorary Secretary), Joe Gilfeather (Honorary Treasurer) and Fung Ching Nam (Public Relations Officer).

The East Asia Branch has further extended its program of activities throughout the region and chapter development has continued throughout 2008.

The Singapore Chapter was formally established in September 2008, as officially announced by Director General, Michael Forbes Smith in Singapore on 13 October 2008.

Young Members Group (YMG) activities included several joint events with young member groups of other organizations and a variety of educational and social events. YMG Guidelines were developed and approved by the branch committee, with the objective of providing a framework for activities and governance of the YMG.

The 6th Annual Vis (East) International Commercial Arbitration Moot has at the time of writing just concluded, with 64 international teams. The winning team was Loyola Law School, Los Angeles, USA. The final round panel comprised CIArb President John Campbell QC, CIArb East Asia Branch Indonesia Chapter Founder and Co-Chair Karen Mills and HKIAC Chair Michael Moser (panel chair).

Committee members served on the Department of Justice's (DoJ) Working Group on the new Arbitration Ordinance, and the Training and Accreditation Sub-Group of the DoJ Working Group on Mediation.

East Asia Branch members holding important positions within CIArb include Teresa Cheng SC - 2008 President, Colin Wall - Trustee for the East Asia Region and Tony Houghton SC - regional representative on the Panels Management Group.

2008 saw a modest increase in courses compared with 2006 and 2007, with entry courses held in Hong Kong, the Philippines, Macau and Japan, a Fellowship Assessment course in Singapore, Peer Interviews for Fellowship and the "old syllabus" Chartered Arbitrator programme in Hong Kong and Singapore. East Asia Branch and Beijing Arbitration Commission also co-hosted an "International Commercial Arbitration Training Course Class", leading to CIArb membership.

The third annual Winnie Whittaker Memorial Lecture was delivered in May 2008 by Past President Colin Wall on "The Alabama Claims – The Origins of International Arbitration".

In October 2008, CIArb Director General Michael Forbes Smith visited and met with branch members and government representatives in Hong Kong and Singapore, and led a delegation to meet with CIETAC South China Sub-Commission in Shenzhen, and the Guangzhou Arbitration Commission.

East Asia Branch co-organised with HKIAC and the SCLHK a two-day conference on Construction Law and Dispute Resolution for Construction Contracts in November 2008. Keynote speaker for the second day of the conference was CIArb President Teresa Cheng SC. The branch also supported other conferences throughout the year, including the excellent one organised and hosted by the Malaysia Branch in Kuala Lumpur in October 2008.

Our 2008 events program included presentations by Ignacio de Castro, Andrzej Cierpicki, Colin Wall, Mélanie Meilhac, Teresa Cheng SC, Dr Nelson Wat, Daniel Lee, Bruno Yim, Peter Ho, Glenn Haley, John Cock and Tony Houghton SC. The highlight was the seminar by Lord Woolf in November 2008, which the branch was particularly honoured to host.

Social events included the Annual Dinner in April 2008, with President Teresa Cheng SC as guest speaker, cocktails for new Entry Course graduates in March, the Director General in October and the Fellow's Cocktail Party in September. Social events were also associated with the Vis East Moot. YMG social events included a junk trip, evening functions, hiking and other sporting events. Social events were also held in Manila, Singapore, Beijing, Shanghai and Tokyo.

At the end of 2008, total branch membership was 1,751, with 1,345 in Hong Kong, and the next two largest groups in Singapore (210) and mainland China (82).

The branch continues as joint publisher of *Asian Dispute Review*. The website is updated regularly and the branch newsletter is published quarterly.

An Extraordinary General Meeting was held on 4 February 2008. Updated branch rules were published as a result.

I thank all members of the branch committee for their efforts over the past year and in particular our retiring committee members: Glenn Haley, Immediate Past Branch Chairman, CN Fung, Branch PR Officer for the past two years and Rendy Ng, Committee Member and YMG Chair.

Thanks also to Primrose Law, Isabelly Lai, Kate Ng and the staff of HKIAC for their dedication and support, upon which the branch depends for its day to day operation.

EUROPE Branch

Chairman: Axel Reeg

In 2008, the European Branch held two meetings, the Spring Meeting in Istanbul and the Autumn Meeting in The Hague.

The Spring Meeting in Istanbul, held at the beginning of May in conjunction with the Lebanese Branch, was fabulously well organised by Bennar Belkaya. It had an extraordinarily high turnout in attendees and a highly interesting programme with a large number of speakers on very diverse topics, many of them, however, touching on the practice of ADR in the host country.

On the occasion of the Spring Meeting, the branch held its AGM which brought about a number of changes. Andrew Burr, very successful as chairman, handed over the lead of the branch to Axel Reeg. Several new committee members were elected, bringing the total number to 17 and two sub-committees were installed, one for programme planning, the other for financial planning. Further, the branch decided actively to encourage the creation of chapters, beyond the two existing ones in the Netherlands and the Baltics.

The Autumn Meeting at the end of October was a showpiece of excellent organisation, not only in terms of content, but also in respect of the format and the venue in the Peace Palace in The Hague. Having been responsible for this, Stuart Ness will serve as an example for organisers of future events. Immediately preceding the meeting, the Dispute Resolution Committee of the ABA held a "Mediation Leadership Summit" jointly organised with the branch.

The branch intends to hold training courses on the continent, jointly with domestic arbitration institutions in several countries.

IRELAND Branch

Chairman: Ciarán Fahy

This has been a momentous year for the Irish Branch which is in good heart and very active. It culminated in the election, at the Congress in Malaysia, of Joe Behan to serve as CIArb president in 2010.

During the year, the membership increased and is currently in excess of 800, of whom some 200 are Fellows, spread throughout the island of Ireland. The branch is based in Dublin but is also organised through the Northern Ireland Chapter based in Belfast.

The most significant feature of the year has been the introduction of the Arbitration Bill 2008 which will replace current legislation dating back to 1954 with a new consolidated act, incorporating the UNCITRAL Model Law, for both domestic and international arbitrations. The branch has been particularly active in its response to the bill and was the first organisation to

make a formal written submission to the government. It followed this up by active involvement in seminars where its members provided the majority of speakers.

Finally, in conjunction with the Law Society and the Bar Council, the branch organised a seminar for all of those involved in this area to discuss the detail. The seminar, which was chaired by the Irish Branch, was oversubscribed and has resulted in a joint formal submission to the Irish Government. The Arbitration Bill 2008 is due to be enacted within the next few months and hopefully most, if not all, of the recommendations will be incorporated into the legislation.

During the year, the Law Reform Commission produced a consultation paper on ADR, with particular reference to mediation. The branch made a written submission on this paper which was later discussed in detail at the meeting with the commission. Subsequent to this, the branch was actively involved in a seminar involving all interested parties, organised by the LRC.

The branch has been very active in the organisation of educational events, in particular entry courses for mediation and arbitration. In addition, it organised an accredited mediator training course in May 2008. In June 2008 it ran a training and assessment course for conciliators in the construction industry jointly with Engineers Ireland.

The activities of the branch have taken place against the background of a declining economy and this has affected, very severely in some cases, the careers of some of our members. On the other hand however, it has led to an increase in disputes and the need for fast, effective and efficient ADR. Thus, despite the immediate difficulties, the branch is in a position to face the future with confidence.

KENYA Branch

Chairman: Adam Marjan

The principal 2008 / 2009 Kenya Branch officers were: Adam Marjan (Chairman), Jonny Havelock (Vice Chairman), Jacqueline Kamau (Honorary Secretary) and Bhagwanji Bhundia (Honorary Treasurer).

The main achievement of the branch in 2008 was its upgrading from C to D category, and the award of the Moran of the Order of the Burning Spear to our past Chairman, Eng. Faruq Khan by the Head of State.

The branch enjoyed a number of events including the donation of 339 Books for the library by the late A. Ali's family, our Annual General Meeting in June and the end of year cocktail party in December.

The branch also organised a number of CPD surgeries including arbitration in the insurance industry and commercial mediation and separate lunch talks on tourism disputes and banking disputes.

In training, the Kenya Branch started offering modules following the training which was given by Bill McLaughlin to our tutors in March. The modules which were offered during the year were Module 2, Module 3 and Module 4. Courses included Dispute Avoidance and Construction Claims Management Course, Entry Course in Arbitration and ADR, Introduction to Conflict Management, Entry Course in Arbitration and ADR, Introduction to Construction Adjudication and a FIDIC Course.

Kenya Branch enjoyed successful involvement with a range of other groups including:

- Federation of Kenya Employers – Kenya Branch delivered a tailor-made seminar on Arbitration Law & Practice
 - Procurement Board - Branch ran a three-day in-house workshop on procurement disputes and award writing
 - Federation of Women Lawyers in conjunction with Kenya (FIDA) - some of our members offered Family Mediation Sessions
 - Proposed Regional Arbitration Centre in conjunction with AALCO & Attorney General's office
 - Court Mandated Mediation in conjunction with Rules Committee of the High Court
-

MALAYSIA Branch

Chairman: Leon Weng Seng

The principal branch officers for Malaysia for 2008 / 2009 were: Leon Weng Seng (Chairman), Ashok Kumar Mahadev Ranai (Deputy Chairman), David Cheah Ming Yew (Vice Chairman), Sapruddin Mohd Sharif (Honorary Secretary) and Catherine Chau Siew Ping (Honorary Treasurer).

The branch's main achievements in 2008 included:

- International Diploma in Commercial Arbitration (2 – 13 June 2008). The two-week residential event was a joint effort with CIArb Australia, attracting 14 participants. As it was an international arbitration course, lecturers from other jurisdictions were invited to lecture.
- International Dispute Resolution Conference (20 & 21 October 2008). The event was well attended by about 150 delegates with speakers from 20 countries. Papers were presented by CIArb Patron, immediate Past President, Professor Philip Capper and many others. Our thanks are due to the Malaysian Ministry of Tourism for organising a dinner for the delegates. The Right Honourable Prime Minister of Malaysia graced the occasion with a keynote opening address to further demonstrate the Government's support for arbitration.
- Board of Trustees' meeting and Congress 2008 (22 – 25 October 2008). Held in Kota Kinabalu, Malaysia. The Board of Trustees mapped out its new policy and strategy. Congress elected Joe Behan as Deputy President and Doug Jones as Vice President for 2009.

In membership and education, the Malaysia Branch held a "Chartered Arbitrator" interview in June 2008, an Introduction to Arbitration Course with 16 participants, a Peer Interview for 10 candidates who passed the Fast Track Fellowship Programme in September 2007 and IDipCA (2 – 13 June 2008).

NIGERIA Branch

Chairman: Babajide Ogundipe

The Nigeria Branch held four Executive Committee meetings for the year 2008.

An Annual General Meeting was held on 24 April 2008 with 144 members in attendance. The election to nominate the executive committee for the year 2007 was held at the meeting.

On 23 and 24 April 2008, the branch held its 10 Year Anniversary with a fanfare. The Director General, Michael Forbes Smith graced the occasion with his presence.

In 2008, the branch held four Entry Courses, two Accelerated Membership Courses, one Fellowship Course and a Peer Interview. The branch is also in the process of adding the Mediation Course to its training program.

In the course of the year, two of our members were appointed as Attorney General in two different states of Nigeria.

On 7 November 2008, the Nigeria Branch's Young Members Group held a seminar as part of their "Bite Size Series Lectures."

NORTH AMERICA Branch

Chairman: Ann Ryan Robertson

The year 2008 brought about an unexpected change when the Chair of the North America Branch, Leonard Ricchetti, was appointed a Judge of the Superior Court of Justice for the Province of Ontario, Canada. As a result of his appointment to the bench, Judge Ricchetti resigned his post as chair.

Murray Smith, of Vancouver, Canada, who has been a steadfast member of the branch, and a former chair, stepped in and assumed the mantle of chair until Ann Ryan Robertson's selection in October 2008. The North America Branch is most grateful to Murray for his commitment to the organisation and congratulates Judge Ricchetti on his appointment.

The North America Branch has continued to strengthen its ties with the Institute for Conflict Prevention and Resolution by jointly offering a Fast Track (Accelerated) Membership program this past year. In addition, in October 2008, the branch conducted a Fast Track (Accelerated) Membership program in Washington, D.C.

The North America Branch, through its Chicago Chapter, was a sponsor of the 2008 Vis Mini-Moot held at Loyola University Chicago School of Law. As Larry Schaner, Chair of the Chicago Chapter, has noted: "Sponsoring a pre-Vis Mini-Moot is an effective way to bring CIArb to the attention of leading local lawyers, the law schools and their professors and students. Today's students are tomorrow's members." As previously, the branch was a sponsor of the Annual Spring Conference of the ABA's Section of Dispute Resolution, which was held in Seattle, Washington in April 2008.

The branch also welcomed two new chapters: the Northern California Chapter chaired by Suzanne Nusbaum and the Cayman Island Chapter chaired by Jeremy Walton.

THAILAND Branch

Chairman: Jayavadh Bunnag

In 2008, the Thailand Branch held its usual four quarterly events.

The branch held its Annual General Meeting on 13 November, after which Teresa Cheng, SC, President of CIArb, gave a talk on "Business Conflict and ADR" which was very well received by the members.

On 14 November, the branch, jointly with the Thai Arbitration Institute, held an Arbitration Surgery for judges and senior arbitrators in Thailand. Teresa Cheng SC led the discussions and the event, the first of its kind in Thailand, was a thorough success.

Branch membership remained more or less the same as in 2007.

UNITED ARAB EMIRATES Branch

Chairman: Essam Al Tamimi

2008 has been a good year for the UAE Branch. As arbitration becomes more popular and more developed in the UAE, so interest in the branch rises. Consequently the membership is increasing substantially and as a result we have been able to develop and increase the events and training we provide.

The UAE Branch held several social events during 2008, but has been most active in providing training. Courses run have included: an Entry Course, an Accelerated Membership Programme, several Peer Interviews and a mock hearing, with Neville Tait, Michael Black and Arshad Gaffer taking the roles of arbitrator and counsel. In November, 25 students started Modules 1 and 2 to achieve Member Grade.

In 2009, the branch will continue to develop its programme and look into supporting and assisting the establishment of other branches in the Middle East.

UK BRANCH REPORTS

CHANNEL ISLANDS Branch

Chairman: Andrew Ozanne

The principal branch officers in 2008 were: Andrew Ozanne (Chairman), Stephen Ross-Gower (Vice-Chairman), Gary Naftel (Honorary Secretary) and Peter Le Cheminant (Honorary Treasurer).

The branch enjoyed its AGM in May and the Branch Evening Dinner with President and Deputy Bailiff in December.

Regarding membership, there were three retiring members and four additional members. The branch is currently considering producing a training DVD of Arbitration similar to the previous Mock Mediation DVD.

EAST MIDLANDS Branch

Chairman: Robert Ridgwell

The principal branch officers for 2008 were: Robert Ridgwell (Chairman), Alan Wilson (Vice Chairman and Public Relations Officer), Michael Cross (Honorary Secretary) and William Fisher (Honorary Treasurer).

The branch arranged or participated in the following events:

- an 'Arbitration and Adjudication Workshop' in June, attended by about 12 members. Derek Simmonds as usual led an excellent workshop of scenario questions and Peter Collie, barrister, gave a thoroughly interesting and useful presentation of recent case developments
- a joint CIOB / CIArb half-day conference on 'Dispute Resolution' in October, attended by some 45 CIOB members. Peter Collie and Alan Wilson gave talks on arbitration and dispute avoidance.

A proposed seminar entitled 'Introduction to ADR – Arbitration, Adjudication and Mediation' to be held before the AGM in April was cancelled a week beforehand due a poor response. In the event, Mike Owen, Head of Marketing, Membership and Training gave a brief talk on 'Changes to CPD Requirements and Routes to Qualification' prior to the AGM.

Attendance at the whole range of events, including committee meetings, is relatively poor. This is not only disappointing for those organising events but is a lost opportunity for members.

The focus of the committee is to provide good, targeted and inexpensive CPD for members and an introductory event to encourage new members. It will continue to seek alliances with other institutions to assist in doing so effectively.

LONDON Branch

Chairman: Stephen Bickford Smith

2008 was another successful year for the London Branch. There has been a full and well-attended programme of events on domestic and international topics which can be found on the CIArb website.

The AGM was held at Tallow Chandlers Hall on 29 April 2008. Sir Martin Moore-Bick gave an address on the comparative advantages of arbitration and mediation.

London Branch is active in showcasing the services in dispute resolution which the City of London has to offer worldwide. We also aim to organise events which are of interest to the majority of our members who are concerned mainly with the UK, on such topics as construction adjudication, property disputes, and mediation.

The theme of the lecture series set in train in 2007 was continued. A series of well-attended evening meetings has taken place, generously hosted by firms of solicitors or barristers' chambers based in the City of London. Highlights have included the annual mediation seminar in early July and the joint meeting with the London Maritime Arbitrators Association in October.

During the year, the chairman visited the arbitration section of the Lima Chamber of Commerce in Peru, whose secretary-general is now an honorary member. He also attended the Malaysia Branch meeting in Kuala Lumpur and Congress in Kota Kinabalu.

The London Branch Annual Dinner at Inner Temple Hall on 18 November attracted 115 members and guests. The guest of honour was Professor Louise Barrington who gave a thought-provoking talk on the role of women in arbitration. For the first time this event was given in conjunction with the central organisation of CIArb and we were very happy to see guests from every part of the globe.

Matt Molloy, our long-serving secretary, retired at the beginning of 2009, and has been succeeded by Irvinder Bakshi. Finances remain in good shape under the control of Treasurer Bruce Leahy. Paul Rose our PRO and Jackie Elliman our events secretary are kept fully occupied, as are the committee. The scale of our activities has become such that in July 2008 we engaged Elinor Pritchard to provide administrative support for the branch. This has enabled us to deliver an improved service to our 1500-strong members.

NORTH EAST Branch

Chairman: Andrew Essam

The principal branch officers for 2008 / 09 were: Andrew Essam (Chairman), Damian Wilkinson (Vice Chairman), Richard Piper (Honorary Secretary) and Derek Masters (Honorary Treasurer).

The activities of the North East Branch have continued to build on the platform created by previous years. In that respect we have focussed our attention on the following principle issues:

- newsletter
- Yorkshire Arbitration Scheme
- technical events
- database
- website
- promotion of CIArb to Leeds Metropolitan University MSc Students

In June 2008 we published a branch newsletter, which amongst other things set out details of the technical events that were subsequently held in 2008-09. In order to improve communication with the branch, we asked those members whose email addresses we did not have, to supply one. Details of the Yorkshire Arbitration Scheme were publicised and a questionnaire was issued seeking the opinion of branch members concerning branch events.

While we now have a comprehensive electronic database of our branch members' email addresses and those for other interested parties, there are still a number of email addresses for our branch members that we do not possess. As we wish to move to email communication for 'ease of use' and for economic purposes, we have engaged external help in order to rectify this and this process is ongoing. Nonetheless the electronic database has proved to be an invaluable tool for publicising branch events.

The branch events held during the year have been a great success, covering a wide spectrum of topics with speakers drawn from far and wide. Richard Morris and Paul Jensen (UK Trustees) kindly accepted separate invitations from the branch to attend our events.

Richard Morris witnessed a mock mediation between a warring Lincolnshire farming family, expertly narrated by Anthony Glaister. This is now on tour elsewhere in Yorkshire and a stint in the West End beckons! Paul Jensen attended an entertaining address given by Peter Collie, concerning a vintage year for arbitral case law. Attendance has been very good and is

testament to the high-quality speakers who have generously given their time to address the branch. The speakers have also kindly provided copies of their presentations, for inclusion on the branch website.

Other events have included: a joint dinner with North West Branch in May, entitled, 'How to Win at Arbitration / Adjudication', a series of technical meetings in Leeds and the North East Branch AGM and dinner in March.

The branch website has now been updated. It contains a variety of details concerning the operation of the branch and its activities and can be found at: www.arbitratorsnortheast.co.uk

The publication of the branch newsletter generated interest in the operation of the Yorkshire Arbitration Scheme and a question was raised as to whether, under the Branch Rules, the branch had the jurisdiction to form a panel of arbitrators and make arbitral appointments. This question was raised at the CIArb Congress in Malaysia and the trustees have resolved to approve the scheme, subject to appropriate safeguards which are being addressed.

Full details of the Yorkshire Arbitration Scheme, which is aimed at promoting the use of arbitration in local 'business to business' disputes of modest value, quickly and inexpensively, can be found at: www.theyorkshirearbitrationscheme.org.uk

The branch continues to maintain strong links with the MSc in Construction Law and Dispute Resolution run by Leeds Metropolitan University, which offers students a route to membership of CIArb. This year, a promotional file of information for students attending the course has been produced, which it is hoped will encourage students to join the Institute.

I am extremely grateful for the efforts of the branch committee whose assistance in running the branch affairs has been invaluable. It is the dedication, support and commitment of the committee, who have made a huge contribution to the operation of the branch, that makes the branch what it is.

Furthermore, without the support of the firms and employers of the committee members, who provide administrative support and rooms for our branch and committee meetings, we would not be able to function in the way that we do. Our thanks go to those organisations for their continued support.

NORTH WEST Branch

Chairman: Daniel Brawn

The principal branch officers for 2008 were: Daniel Brawn (Chairman), Ian Williams (Vice-Chairman and webmaster) Keith Miller (Honorary Secretary), James Burns (Public Relations Officer) and Mike Evans (Honorary Treasurer).

The North West Branch produced a demonstration arbitration for post-graduate students of Dr Peter Fenn at UMIST and Brodie McAdam at Salford University. Paul Jensen and Derek Pye kindly agreed to act as the advocates, Kevin Hayes as the arbitrator and Mike Cummings the architectural expert witness. The hearing focused on liability only, with the fiction that quantum would be dealt with at a separate hearing. This was designed to remove the need for files of correspondence and evidence, but it backfired because many students asked to attend the second hearing on quantum!

The target audience were students about to start their careers, who may have studied something of arbitration and might like to see how it works in practice.

The hope was to foster interest in arbitration, and indeed ADR in general, and to sow the seeds for future membership of CIArb. The papers are available for others to use; please contact Daniel Brawn E: danielbrawn@kuits.com.

The branch also ran an introductory course in mediation again this year. The course was followed by an additional assessment process for Associate status. It is hoped that this course will become a regular feature of the year.

We ran a full programme of education events throughout the year, including a surgery for arbitrators and adjudicators. We organised three dinners and we held one dinner jointly with the North East Branch.

We are keen to run locally the education courses that have until now been run by Bloomsbury Square. We believe we can provide courses cheaper and without the cost of a trip to London. We already run introductory courses for mediators, with Mark Mattison, and we are now in the process of agreeing to run an introductory course in adjudication jointly with the North East Branch. This will be a one day course which gives an understanding of the general principles of adjudication and how it fits in with arbitration and mediation. This course is intended for those who wish to supplement knowledge gained at work and those who are considering further study to become an adjudicator. The course can lead to Associate status following an additional assessment process.

If there is sufficient demand, we may consider running more advanced courses. We may also consider running courses in arbitration, but at present we feel there is insufficient demand.

We have a close association with the North East Branch. We already run various events together and hold a joint annual dinner.

We are committed to increasing contacts with other professional groups, particularly surveyors, architects, engineers and lawyers, with whom our membership has considerable overlap.

SCOTLAND Branch

Chairman: Len Bunton

The principal branch officers for 2008 were: Len Bunton (Chairman), Brandon Nolan (Vice Chairman) and Alistair Dean (Honorary Secretary).

Activity in the branch has been maintained at a very high level with a combination of an excellent programme of monthly events covering the whole spectrum of ADR in Scotland. Attendance at our meeting averages more than 35 members and other interested parties.

Our main achievement during the year was the publication of the 2007 Scottish Arbitration Code and I am grateful to the members of our drafting committee and also to the many consultees who participated in the two year process. This Code has been well received in the market place, and has brought time and cost certainty to the arbitration process in Scotland.

Our Annual Dinner was attended by over 160 members and guests. It is a key feature in our calendar, as too is the Annual Lecture, given in 2008 by Sir Vivian Ramsay.

The Scotland Branch has restructured its operations and the driving force behind all of our activities is four sub-groups which deal with education and examinations, events, PR and website, membership development and drafting. The sub-groups comprise committee members and other interested parties, and we have found that by spreading the workload, then much more can, and has been, achieved. As an example, we are justifiably proud of our newsletter which is published quarterly, and is crammed full of interesting and relevant articles on ADR.

On the education front, we maintain a high level of activity, running two Entry Courses every year, as well as courses for RICS Scotland Agricultural Arbitrators and General Practice Surveyors. We will continue to run our CPD days for the Chairman's Panel of Arbitrators and Adjudicators. A Chairman's Panel of Mediators is in the process of being established.

The Scotland Branch has produced, and is in the process of implementing, a long term development plan which includes our first step towards establishing a permanent secretariat in Scotland with the appointment of a part time development officer, Bob Shorter, whose remit has been to widen the membership base away from its traditional source of the Scottish construction industry. Much progress has been made in identifying links with other professional organisations such as the Chartered Institute of Bankers and the Institute of Purchasing and Supply. The Scotland Branch will also establish a new chapter in Aberdeen with the main objective of membership recruitment from the oil and gas sector.

The Scotland Branch has been heavily involved in consultation with the Scottish Government in relation to the Arbitration [Scotland] Bill 2009 and much of this work has been carried out by Hew Dundas, Past President, and John Campbell QC, the current President.

Other initiatives include running an Award Writing Course for RICS Scotland.

It has been an absolute privilege for me to have been Chairman of the Scotland Branch from 2007 to 2009, particularly when so much has been achieved by my colleagues on our committee, who are all very busy professionals, but who have given the Scotland Branch 100 per cent support.

A particular vote of thanks is due to Gordon Coutts QC for his quiet advice, to Hew Dundas and John Campbell QC for their ongoing support and encouragement, and to our hard-working secretariat in the form of Alistair Dean and Rachael Brown.

Past chairman Ian Trushell has been a huge support, and also my vice chairman, Brandon Nolan, a lifelong and hugely respected friend, who has been an inspiration to work with over the past two years.

Finally, apart from having a busy career as a dispute resolver, I have a very large family, and I wish to express my absolute gratitude to my dear wife Sheila for her patience and tolerance of my absence from home on CIArb business every week for the past two years. She encouraged me to act as chairman and has shared in anything we have achieved.

SOUTH EAST Branch

Chairman: Helena Riches

The principal branch officers in 2008 were: Helena Riches, nee Brown (Chairman), Roderick O'Driscoll / Colin Featherstone (Vice Chairman), Kevin Trash (Secretary), Jonathan Hills (Treasurer) and Ian Wilson (Public Relations Officer).

CIArb South East Branch held nine technical meetings during 2008, seven in Reigate and two in Tonbridge. We have once again welcomed an impressive selection of speakers, and we have tried particularly hard to offer a diverse range of topics during the year. We also held two very successful joint meetings, in an effort to raise the profile of the branch and to provide opportunities for our members to meet with members of other like-minded organisations.

January 2008 saw our first joint meeting with the Surrey and Sussex centres of the Chartered Institute of Building, and the success of the event was overwhelming. In November 2008 we also held our annual joint meeting with the Institution of Civil Engineers. A second joint meeting

with CIOB has been arranged for January 2009 and we will hopefully hold another joint meeting with ICE during the coming year.

We are extremely grateful to all the speakers during 2008 for giving generously of their time to visit the branch. Our full list of technical meetings during 2008 is as follows:

- January – Joint meeting with CIOB: Peter Barnes, JCT 2005 update
- February – Peter Ashford of Cripps Harries Hall, International Arbitration
- March – Branch AGM followed by His Honour Judge Anthony Thornton QC, Judge-led mediation and other TCC developments in ADR support
- April - Mike Owen, Director of Marketing, Membership and Training, CIArb update
- May - Philip Fidler, Rod O'Driscoll and others, Mock Preliminary Meeting
- June – Robert Evans of Keating Chambers, Arbitration Case Law update
- September - Nicholas Cheffings of Lovells LLP, new RICS Guidance Notes and Practice Statements for expert witnesses and surveyors acting as advocates
- October - Teresa Cheng SC, CIArb President for 2008, Combining Mediation and Arbitration – Perils and Opportunities
- November – Joint meeting with ICE: Neville Tait, 'Don't shoot the Engineer!'

We also held two very enjoyable social events during 2008; the Branch Summer Outing in July and the Annual Dinner in September. The summer outing was a delightful trip to Bodiam Castle, including a return journey from Tenterden to Bodiam by steam train on the Kent and East Sussex Railway, and the annual dinner was a magical evening held in the spectacular surroundings of the mediaeval Gate House of Leeds Castle.

I am extremely grateful for the support of various dedicated members of the branch committee who have worked hard to organise a varied programme of meetings and events. Colin Featherstone organised many of 2008's technical meetings, and Anne Kenny and Jane Ryland arranged a wonderful summer outing. Murray Armes continues to do an excellent job as editor of our branch newsletter, *News & Views*, and I am also extremely grateful to David Simmonds for his continuing efforts as webmaster for our branch website: www.arbitrate.org.uk

SOUTHERN Branch

Chairman: Cliff Wakefield

Southern Branch held a number of events in 2008 including:

- February – Legal Update
- March – Dispute Review Boards
- March – Adjudication Surgery
- April – Rights of Third Parties
- October – Proof of Delay Claims
- November – Concurrent Delays
- November – Arbitrator's Surgery

One of the major achievements of the branch this year was the introduction of a mediation surgery.

THAMES VALLEY Branch

Chairman: Matthew Bastone

During each year we hold seven branch events, five in the Thames Valley area and two in Milton Keynes. Our first meeting of the year, the AGM, was held in March at Beaconsfield Golf Club.

After the formalities of the AGM, our planned event was a talk on the subject of rectification, or quantum meruit. However, due to unavoidable circumstances our speaker was unable to attend on the night and a substitute was required at fairly short notice. In the absence of willing volunteers, the task fell to me to fill the slot and, in what may have been the low-point of the year, I gave a presentation on the judgement of Lord Drummond Young in the (to me) fascinating case of *City Inn Ltd v Shepherd Construction Ltd*. I say 'presentation' advisedly since this was my first outing with PowerPoint. So the audience had to put up with my fumbling through that too. However, to those unfortunate enough to have had to endure my talk, I can only say that my conclusions about this case have recently been endorsed, rather more elegantly, by an ex-speaker of ours, Jeremy Winter, in a paper recently presented to the Society of Construction Law. I draw some comfort from this, that even our more impromptu efforts to provide decent CPD events to our members have some value.

Our next meeting, in May, signalled a return to an old venue, at the Bull Inn at Bisham. This has proved to be a popular move and attendance at our meetings has shown a noticeable improvement. Another of our committee members, Robert Sliwinski, gave us an excellent talk on the preparation and presentation of a case, directed particularly to adjudication.

For our June meeting at the City Church in Milton Keynes, we were fortunate to secure the return of David Cornes, a branch member and eminent mediator, who came to us with his own very topical subject: is standard privilege enough for the success of mediation or is legislation needed? As always it was a privilege to listen to David on a subject on which he speaks with such authority.

Following the summer recess, we re-assembled at Bisham in September to hear an old friend of mine, Tony Ensom, on the subject of expert evidence in arbitration and adjudication. Our September meetings are not well attended for some reason and this was no exception. Fortunately our Director General, Michael Forbes Smith, helped swell our numbers by visiting us that night and Tony gave us an excellent talk which was much appreciated by the select gathering.

Our October meeting, held in Milton Keynes, was significantly better attended. This was fortunate because once more we had a double bill. We were privileged to be addressed that evening by our President, Teresa Cheng SC. By coincidence, our speaker for that night was Niall Lawless, a branch member and a trustee. Niall spends much of his time in the Far East and his subject for the night was online arbitration and mediation. Our President was, evidently, extremely interested in the subject and played a leading part in the question and answer session afterwards.

In November, back at Bisham, we had the pleasure of hearing from one of our past chairmen, David Gilbert, on the subject of "fifty into one does go, a practical look at consolidating arbitrations". David brought us a rather unusual experience and gave us a fascinating insight into the unexpected dilemmas presented by his ultimately successful attempt to consolidate a large number of nearly identical arbitrations.

Unfortunately, 2009 began as 2008 did, with a cancellation. We were unfortunate in the timing of our February event, due to be held here at Bisham, which coincided with the worst snowfalls in two decades. We had been fortunate to secure His Honour Humphrey Lloyd QC to talk to us on the subject of essential attributes of an arbitrator. Unfortunately due to the weather conditions His Honour decided, quite rightly, that he did not want to drive all the way from the

other side of Surrey and we were forced to cancel the meeting at short notice. The good news is that Humphrey has agreed to return and give his talk at some future date.

In addition to our regular events we also held, at the beginning of the year, a series of four adjudication workshops in Stokenchurch. Given the calibre of the co-presenters, Christopher Dancaster and Robert Sliwinski, and the comprehensive nature of the course material, the success of these workshops was assured. We must thank both Chris and Bob for the time and effort they put into making it such a success.

I must speak of my attendance at one further event during the year; Congress, which was held at Kota Kinabalu in Malaysia, in November last year. It was truly a privilege to attend and I thank the committee for allowing me to go. Congress is a unique opportunity for representatives from the branches to see CIArb from a global perspective, more and more important as each year goes by. We in the UK are the 'old guard' and sometimes our interests do not coincide with the need of the Institute to provide global standards of training and qualification. Whilst I do not approve of everything CIArb does, I recognise that we do have to progress or get left behind. Progress is something the Institute has done reluctantly in the past and is, even now, grappling with. Congress is an opportunity for us to put our point of view and to see our position and needs in the wider context of a global organisation. As a result of my attendance at Congress, I can assure you that CIArb is listening and we, the delegates, have left them in no doubt as to where we think they have been going wrong. All in all, it was a very valuable experience.

Finally I must register my sincere thanks to my fellow members of the Thames Valley Branch Committee, for their support and encouragement during this my third and final year in office. I shall be remaining on the committee and shall give my successor all my support during the coming year.

WALES Branch

Chairman: Robert Shawyer

The principal branch officers for 2008 were: Robert Shawyer (Chairman), Gareth Thomas (Honorary Secretary), Dr Mair Coombes Davies (Public Relations Officer) and Steven Evans (Honorary Treasurer).

It is with great sadness that the branch lost their irreplaceable Chairman Professor Corbett Hasselgrove-Spurin. Corbett passed away at Christmas and our thoughts remain with his family. Words cannot describe what a colossus Corbett was to CIArb, members of the Institute and indeed anyone seeking his infallible advice. To take over from where Corbett left as Chairman for Wales is a privilege. The branch is much the poorer for losing a colleague and a dear friend.

The year ending 2008 consisted of an ADR day at the University of Glamorgan, hosted by Corbett, with guest speakers Steven John, Peter Fenn (Trustee), Robert Shawyer, Johnnie McCoy, as guest from the Irish Branch and Derek Griffiths.

This was followed by an AGM at the Cardiff Bay offices of Alway Associates at which Michael Forbes Smith, Director General, addressed the branch.

The committee is dedicated to providing useful events to members and non-members to encourage development within CIArb and to encourage non-members to join.

A full list of events, following the forthcoming AGM on 8 May at the Cardiff Plaza Hotel, Cardiff, shall be circulated to all Welsh Branch members and other institutes such as RICS and the Law Society, to encourage greater attraction to non-members and a diverse portfolio of events to members.

WEST MIDLANDS Branch

Chairman: Timothy Willis

The focus for the branch this year has been its programme of education and training events. The policy of inviting local chambers and firms to host events and the mixture of local and external speakers has worked well. My thanks on behalf of the committee for their support and contributions.

Attendance at events has been good. The subjects have been varied, covering arbitration, adjudication, contentious heads of claim and extensions of time and liquidated damages, to name but some. Mark Entwistle is the final speaker in this year's programme speaking on the subject of: "Winning ways of presenting your evidence in adjudication".

We have held joint events with the Adjudication Society and have been able to publicise events to a wider audience through the Society of Construction Law. This has been possible due to those societies' excellent internet based communications facilities.

In addition to the programme of evening events, we have held workshops and training events including the Adjudication Workshop on 26 March. The Arbitrator's Surgery was cancelled due to lack of numbers. This may be due to CIArb's new panel policy or it may reflect the wider malaise in domestic arbitration. Perversely, at the anecdotal level, it appears arbitration may be making something of a comeback.

This year's annual conference was also the occasion for the visit to the branch of Teresa Cheng SC, the outgoing President. The format sought to replicate the real choices as to methods of dispute resolution which parties have in the context of a particular dispute and was hugely enjoyable to participate in. We were fortunate to have a fantastic panel of contributors. Teresa Cheng SC and Colin Wall, both based in Hong Kong, were involved, along with others from around the UK and from closer to home. The format of parties, their representatives and expert dispute advisors was novel, and extremely well received by delegates and participants alike.

The branch has made links with the University of Wolverhampton. Talks have been given to undergraduates at the university and university members have attended a number of branch events.

A meeting has been held to set up a mooting competition with the university and to offer a prize to support the winning team. Based upon mooting materials developed from the successful Cambridge moots organised by CIArb, this is an exciting development. A further meeting at the end of March will progress matters.

The branch has also made contact with the Birmingham Chamber of Commerce and Industry to propose a local ADR scheme for its members. Early indications are positive. The scheme itself has been produced but the implementation of such a service will take time and the committee will be taking this forward.

Michael Stephens stood for office at Congress against a very strong list of contenders. The Irish Branch, who held such an excellent conference in Dublin last year, had a very strong candidate in Joe Behan, who narrowly beat Doug Jones.

I look forward to the branch extending its hospitality to Joe Behan. Doug Jones will no doubt make an excellent president to follow if his track record as Chairman of the Board of Trustees is anything to go by.

The structural problem of the dislocation between trustees and branches was a central issue for Congress. The Congress spent much of its time collecting the views of the branches in order to develop policy in March 2009 – rather than reporting decisions made in 2008. As a result there is not a great deal of substance to report from Congress and the meeting with trustees. I flew out to Malaysia to arrive early Friday morning and left in the early hours of Sunday. The programme of meetings was full and we were made welcome by the Minister for Tourism who arranged lavish local entertainment at the dinner held to mark the event. My thanks to the Malaysian Branch who organised everything except the postponing of the monsoon.

One area of development that both Bloomsbury Square and the branch will be following up on this year is the Young Members Group and the diversification of branch events to meet the needs and interests of those in the early part of their professional careers.

This is my last year as Chairman of the Branch. I hand over to Robert Harrison who has been a great support as Vice Chairman.

Much has been achieved by the committee and it is their hard work which has made my time as chairman both manageable and enjoyable. My thanks to them.

I look forward to continuing to participate in the committee and wish Robert the best of success in the coming year.

WESTERN COUNTIES Branch

Chairman: Peter Buechel

The principal branch officers in 2008 / 09 were: Peter Buechel (Chairman), Mike Twine (1st Vice Chairman), Jonathan Wyatt (2nd Vice Chairman), Morwenna Crichton (Honorary Secretary), Robin Gupta (Honorary Treasurer), and Brian Hinchcliffe (Public Relations Officer).

I resumed as Chairman of the Western Counties Branch, following the Branch AGM on 22 April 2008, taking over from Glyn Matthews, who had held term for three years due to the unfortunate circumstances documented in his report last year. The branch committee have now resolved, in order to cover the eventuality of an incumbent chairman being unable to take office, to appoint two members of the committee as vice chairmen.

In January 2008, Guy Cottam spoke at the Guildhall in Bath on the topic: “The Arbitrator as Solomon”, focusing on the arbitrator’s role in the pre-hearing resolution of the dispute before him. This thought-provoking presentation stimulated a lively debate from the floor.

In February 2008, David Cartwright directed a well-received Adjudication Workshop in Bristol under the Chairmanship of Glyn Matthews.

We were fortunate in having His Honour Judge Sir Mark Havelock-Allan Bt QC as our speaker at the Branch AGM in April 2008, when he delivered a most erudite paper on the subject of “Misconduct and Serious Irregularity”. The branch is even more delighted that Sir Mark accepted the role of Branch Patron in succession to His Honour Judge Sean Overend.

In May 2008, Sue Banwell-Moore and Glyn Matthews conducted a very successful Mediation CPD day in Taunton, which was very well-received by those attending. A further course in the autumn for a wider audience, based upon the use of ADR skills in everyday management, was postponed, but went forward with success in the spring of 2009.

In August 2008 we held our informal summer meeting when members and their guests visited Dunster by means of the West Somerset Railway. Again Bernard Tipling is to be thanked for his meticulous organisation of this event.

In September 2008 the branch welcomed the President of CIArb, Teresa Cheng SC, to Exeter, where she updated us on matters relating to the Institute and gave our members a fascinating insight into dispute resolution in Hong Kong.

Our final meeting of 2008 took place in November in Taunton, when Neville Tait delivered a very clear and authoritative discourse on the necessary skills of award writing.

I should like to thank the branch committee for their support during the year. Jonathan Wyatt stood down as Honorary Secretary over the summer and I thank him for his service in this respect. Morwenna Crichton has taken up the role of Honorary Secretary with enthusiasm, as well as embracing the task of attracting young members to branch. I feel certain her efforts will bear fruit to the benefit of the branch and CIArb. Finally, thanks to Glyn Matthews for his continuing support as immediate past chairman of a term already extended beyond his expectation.

ENDS

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