



Welcome to the October edition of the CI Arb Newsletter.

The 14th Annual Winnie Whittaker Memorial Lecture "Must Arbitration be a Bloodbath?" was successfully delivered in September 2019 by Mr Peter Caldwell, the speaker for this lecture. He was also joined by Mr Glenn Haley as the moderator.

This Newsletter features a special "Questions and Answers" with the current East Asia Branch Chairperson, Mr Nicholas Turner.

The Taiwan Chapter has successfully held a number of events in the last quarter, detail of these events are included in this Newsletter.

Readers are recommended to refer to www.ciarbasia.org for the latest Branch and YMG events programme.

I hope you will find this issue of Newsletter a good overview of the events happened in the last quarter.

Enjoy!

Gina Leung

The 14th Annual Winnie Whittaker Memorial Lecture: Revisiting the Inaugural Lecture "Must Arbitration be a Bloodbath?" by Mr Peter Scott Caldwell

5 September 2019, Hong Kong



(from left to right) Mr Glenn Haley (Moderator) and Mr Peter Scott Caldwell (Speaker) for the 14th Annual Winnie Whittaker Memorial Lecture

Mr Peter Scott Caldwell, the past Chairperson for the EAB (formerly the Hong Kong Branch) for 1993-1995, the past Chairperson for the Society of Construction Law (Hong Kong) for 2008/2009, and also a close friend of Winnie, delivered the 14th Memorial Lecture.

Mr Caldwell gave the first lecture "Must Arbitration be a Bloodbath?" back in 2006. Mr Caldwell reprised his 2006 lecture by re-examining the reasons for many arbitrations being excessively confrontational, and considered the ways in which the procedures to be simplified and costs be reduced without compromising the fairness of the process.

It was a good opportunity for Mr Caldwell to revisit the topic, because he explained his views

on the topic have developed over the years. After quoting the IBA Rules of Evidence and the Prague Rules on the Efficient Conduct of Proceedings in International Arbitration, Mr Caldwell examined and reviewed how international arbitration has changed over the years. Finally, he spoke about and highlighted a possible new path for international arbitration, namely the online dispute resolution.

The Q&A session was very interactive, the audience raised various questions about the procedural fairness of international arbitration, and how various arbitrators may approach their important roles differently. The talk attracted a full house and received a very positive feedback.

David Luk

Fellows' Cocktail Party

27 August 2019, Hong Kong

The Fellows' Cocktail Party was held at The Hong Kong Club on 27 August 2019. Approximately 40 Fellows' enjoyed a convivial evening as they met the new Branch Committee of this session. Also attending was Mr Anthony Abrahams TD DL MBA, Director General of the CI Arb.

Nicholaas Turner



Participants at the Fellows' Cocktail Party



Close Up Q and A with Nicholas Turner



Nicholas is a solicitor who specialises in advising clients on contentious and non-contentious aspects of major projects within the infrastructure and construction and engineering sectors. He has experience in successfully resolving disputes using all forms of dispute resolution processes, including litigation, arbitration, adjudication, mediation and amicable negotiation acted, throughout Asia Pacific and the Middle East. Nicholas' quantity surveying background enables him to provide practical legal and commercial advice whether mid-project or during dispute resolution. He has lived and worked in Hong Kong for over 23 years. Nicholas has also been chairperson of the Society of Construction Law Hong Kong 2011/2012.

Q: Can you tell us about yourself and your past involvement in CI Arb (EAB)?

A: I first joined CI Arb in 2000 as an Associate Member, after passing an Entry Course. At that time I had been working as a quantity surveyor and had a law degree, but no legal training. I had been involved in arbitration, but was eager to learn more. Having trained and qualified as a solicitor in Hong Kong in 2003, I undertook a Special Member Course to become a Member in 2004. In 2007, I completed the Diploma in International Arbitration held at Keble College, Oxford. This was an intensive and incredibly rewarding course which really immersed me into the world of dispute resolution. Following the successful passing of that course, an award writing exam and peer interview, I became a Fellow in 2008. I joined the EAB committee in 2015 and have held roles as Deputy Branch Secretary and Programme Coordinator.

Q: What changes have you observed in the ADR work of this region throughout the years?

A: Since qualifying as a solicitor in 2003, I have observed a remarkable growth of international arbitration and other forms of dispute resolution in Asia, and the rise of Asian seats of arbitration. This growth has been in line with the development of Asia in terms of the economies, infrastructure and wealth. While the economy has created the demand for dispute resolution services, it is only through education and training of dispute resolution advisors and professionals that this need can be met. The CI Arb (EAB), along with educational institutions, has been at the centre of this training. Now, arbitration and other dispute resolution processes, even those in the most specialist sectors, can benefit from local experience and services, without automatically deferring to London or other traditional centres. In addition to arbitration and mediation, adjudication is growing regionally. Further, on-line platforms are being developed to provide the next evolution of ADR.

Q: What challenges and opportunities do you see for the ADR industry in 5 years' time?

A: There are many challenges and opportunities for ADR, including:

- Training the next generation of dispute resolvers and those who represent parties seeking resolution of their disputes will be critical. These individuals will need to be agile, adaptable as well as capable. These resolvers, of the future, will need to be able to service a field of disputes which is ever expanding and encompassing new sectors such as IP, insurance, banking and finance, matrimonial and trusts.
- Technology will become ever more integrated into the way we resolve disputes. Whether it is technology to make the process of dispute resolution more efficient or the development of online dispute resolving platforms. As developers and users of these technologies, we will need to ensure they provide the functionality required, there is appropriate transparency in the way they operate and are implemented, and that parties fairly have access to them.

- Funding of disputes is likely to change significantly in the coming years, particularly given the recent changes to the legal frameworks in Singapore and Hong Kong. There are a growing number of funders operating in the region, and I believe this will only increase as the opportunities and demands for third party funding increases.
- There are a growing number of centres of dispute resolution and institutions, within the region. While competition is healthy, this should not come at the expense of ADR services offered.
- We cannot forget geopolitical issues, whether it is changes in trade or public unrest aimed at public policy. These issues are at the forefront of our minds currently, in Asia. As dispute resolvers, we need to be able to adapt and advise in the current geopolitical environment.

Q: What do you hope to achieve in and during your role as the CI Arb (EAB) chairperson?

A: I will expand on the hard work of the immediate past chairperson, Ms Mary Thomson, to:

- Continue to promote and facilitate determination of disputes by arbitration and ADR, throughout the region;
- Encourage greater involvement of EAB members in activities and events wherever they may be held throughout our branch;
- Continue to reach out to sectors not fully represented;
- Provide opportunities for training and education, to grow the membership and ensure members have the opportunity to grow and advance; and
- Promote diversity and inclusion, and actively support the "Equal Representation in Arbitration Pledge" adopted by CI Arb.

Q: What do you do in your spare time?

A: I enjoy hiking in the hills of Hong Kong and taking in the beauty behind the high rises, sailing and travel.

“Building a Legal Path – An Insightful Panel for Non-Legal Professionals” seminar

7 August 2019, Hong Kong

On 7 August 2019, over 60 members of the EAB (East Asia Branch) and the Hong Kong Institute of Surveyors participated in a lively seminar on “Building a legal path – An insightful panel for non-legal professionals”.

The panel of speakers included some well known experts in the construction field, as well as the arbitrators with unique experiences in both the legal and the construction industries. They included Mr John Cock (EAB Hon Treasurer), Ms Cheryl Je and Ms Adela Mao. The moderator of the session was YMG Chairman – Mr Mac Chan. There were enthusiastic responses from the participants in the interactive discussions with the panel of speakers.

The speakers shared with the participants their views and experiences on the topics including:

- The requirements for working in the dispute resolution industry;
- The opportunities available to non-legal professionals, undertaking the roles of, arbitrator; mediator; adjudicator, or expert witness adviser;
- The academic or other qualifications needed to move into dispute resolution;
- The timing and the preparation for changing the career path;
- The opportunities for getting involved in the dispute resolution processes and obtaining the first appointment; and
- The challenges encountered in the transition.

The participants showed a particular interest in the route in becoming a qualified arbitrator through the Chartered Institute of Arbitrators’ membership and fellowship schemes, as well as the training opportunities available in the process.

The underlying theme of the event was diversity and inclusiveness. Historically, the arbitrators were experts of the specific industries rather than judges. In time, the judges have recognised the contributions of non-legal arbitrators. Also, the courts of some countries in varying degrees have agreed to share some of their powers with the arbitrators. Collaboration or crossing over of expertise is a feature of the dispute resolution process.



(from left to right in the front row): Ms Adela Mao; Ms Cheryl Je; Mr John Cock; Ms Giovanna Kwong; Mr Mac Chan. (Back row) Organisers and assistants

The panel speakers shared with the participants the rewarding experiences of being able to add value to the dispute resolution role whilst keeping their non-legal profession roles.

At the same time, the participants learnt the key skillsets required for the arbitrators and the mediators. For example, good communication and listening skills; the ability to take a balanced approach in the face of the opposing parties, etc.

Above all, the participants benefited from the valuable tips shared by the panel, including marketing techniques, networking opportunities, and getting started with a first appointment.

The panel discussions lasted longer than originally planned. This was followed by a busy networking session attended by many participants.

Anny Wong

CIArb EAB Taiwan Chapter Award Writing Course

1 September 2019, Taipei



The Taiwan Chapter began its inaugural international arbitration award writing course with an optional refresher seminar on 1 September 2019 at CAA Taipei office. The course was delivered by Mr Glenn Haley, Regional Chair of Taiwan, Korea, Japan, Indonesia. He was assisted by Ms Winnie Jo-Mei Ma.

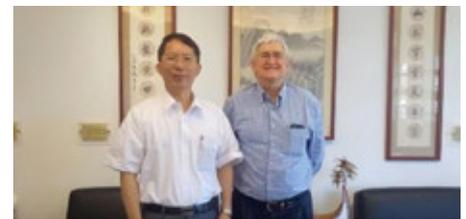
All of 16 candidates attended this seminar, either in person or via Skype.

This was followed by the award writing exam held on 14 September 2019.

Winnie Ma

CIArb EAB Taiwan Chapter Meeting with NTU College of Law

1 September 2019, Taipei



On his visit to Taiwan, Mr Glenn Haley also visited National Taiwan University College of Law at the invitation of Prof Tsung-Fu Chen (Law Dean).

During the meeting, Mr Haley and Prof Chen shared some background information of CIArb EAB and NTU College of Law, and explored opportunities for future collaboration between both institutions. e.g. the collaborative courses on introduction to international arbitration; joint seminars.

Winnie Ma

CIArb EAB Taiwan Chapter's Lunch Talk by Professor Anselmo Reyes

16 August 2019, Hong Kong

The Taiwan Chapter hosted a lunch talk by Prof Anselmo Reyes on 16 August 2019, a fitting finale to the trilogy of arbitration events in Taiwan following the 2019 Taipei Symposium on International Arbitration Rules (August 2014) and the 2019 Taipei International Conference on Arbitration and Mediation.

Prof Reyes delivered the requested topic on "Advocacy in international commercial arbitration". He has also provided various tips on award-writing and career development

in arbitration. Furthermore, all of the 30 participants at this lunch talk, and all of the candidates of the Taiwan Chapter's inaugural award writing course in September received a complimentary scanned copy of Prof Reye's chapter on award writing "The Practice of International Commercial Arbitration: A Handbook for Hong Kong Arbitrators (2018)."

Thank you!

Winnie Ma



Participants at the CIArb EAB Taiwan Chapter's Lunch Talk by Professor Reyes

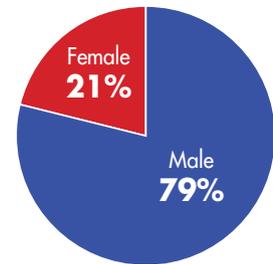
Current Branch Membership

Distribution by Membership Grade

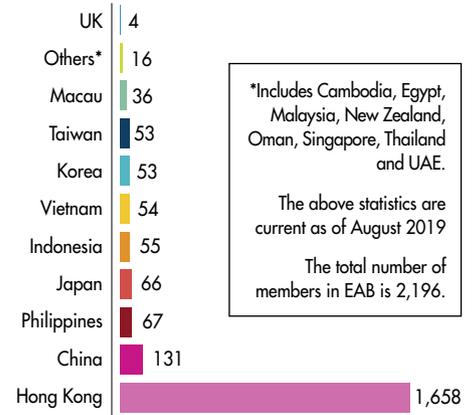
(excluding the Retired Members and students)



Distribution by Gender of Members



Distribution by Region



*Includes Cambodia, Egypt, Malaysia, New Zealand, Oman, Singapore, Thailand and UAE.
The above statistics are current as of August 2019
The total number of members in EAB is 2,196.

CIArb East Asia Branch

The East Asia Branch provides a regional organisation for members of the Chartered Institute of Arbitrators who are residents in the geographical area of Hong Kong, mainland China, Indonesia, Japan, Korea, Macau, Mongolia, the Philippines, Taiwan and Vietnam. Thailand and Singapore, formerly part of the Branch, were constituted as separate branches in 2003 and February 2010 respectively.

The objectives of the Branch are to promote, encourage and facilitate the practice of settlement of disputes by arbitration, mediation and other means of dispute resolution, and generally to support and promote the status and interests of the Institute.

CIArb East Asia Branch Committee 2019/2020

Nicholas Turner – Chairperson / Communications with CIArb bodies & HO, **David Fong** – Vice Chairperson / Communications with outside bodies / Public Relations Officer, **Donovan Ferguson** – Honorary Secretary, **John Cock** – Honorary Treasurer, **Mary Thomson** – Immediate Past Chairperson / Vis East Moot, **Christopher To** – Professional Development & Training, ADR Editorial / Faculty List, **Albert Yeu and David Luk** – Programme, **Lawrence Lee** – Mediation, **Joseph Leung (observer)** – Adjudication, **Cordia Yu** – Membership, **Gina Leung (observer)** – Newsletter, **Mingchao Fan** – Regional – PRC, **Glenn Haley** – Regional – Taiwan, Korea, Japan, Indonesia and others, **Micky Yip** – Website, **Vincent Li** – LinkedIn Portal, **Mac Chan** – YMG, **Helen Au** – University Promotion / Mentoring, **Giovanna Kwong (co-optee)** – Diversity

Contact Details

c/o the Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, Hong Kong
Telephone: (852) 2525 2381
Website: www.ciarbasia.org
Fax: (852) 2524 2171
E-mail: ciarb@hkiac.org