



## **CHARTERED INSTITUTE OF ARBITRATORS (EAST ASIA BRANCH) BRANCH CHAIRMAN'S ANNUAL REPORT 2007-8**

The East Asia Branch has had yet another successful year. This report summarises key points and highlights.

**Young Members Group:** Once again our Young Members Group has shown itself to be a dynamic source of activity, fellowship and outreach for the Branch and its members, both young and young-at-heart. Activities included several joint events with the young members' groups of other organisations including HKIE, HKIS, Law Society of Hong Kong, CIBSE and ICE, and this has proven to be an excellent and successful formula. Thanks to Joe Gilfeather, YMG Chairman, and his subcommittee including in particular Cordia Yu, Rendy Ng, Jessica Chan, Timmy Cheng and Justin Wong.

**Vis East Moot:** The Vis (East) International Commercial Arbitration Moot, of which the Branch is organiser and chief financial supporter (underwriter), has at the time of writing just finished for its fifth year. A total of over 500 participants took part in the 2008 Moot. 52 teams from 13 countries argued before over 120 arbitrators from more than 20 countries. The winning team this year in the oral arguments was from Griffith University, Queensland, Australia. Particular thanks are due to Louise Barrington for her efforts in instigating and driving this event and to Rosie Craig and her team for administration.

**Regional and Chapter Development:** Under the leadership of Tony Houghton, the Branch has continued and extended its program of activities throughout the region. Following on from the previous year's initiative, Chapter development has continued throughout 2007-8, with formal Chapters having now been established in Japan, Indonesia and the Philippines, and interest groups in Beijing and Shanghai. The establishment of the Singapore Chapter is also in progress. Local Chapter Committees manage affairs in each jurisdiction, with representatives on the Regional Subcommittee which communicates generally by email and teleconference.

**Institute Representation:** EAB members continue to hold important positions within the Institute. Teresa Cheng is currently President of the Institute, the second Branch member to hold the position after Colin Wall, who now represents the East Asia Region on the Board of Trustees. Louise Barrington and Raymond Ho serve on the Institute's Education and Membership Committee, as do Christopher To and Giovanna Kwong on the Practice and Standards Committee. Thanks to Teresa, Colin, Louise, Raymond, Christopher and Giovanna on behalf of the Branch.

**Financial stability:** Honorary Treasurer, Joe Gilfeather, continues to manage Branch funds to ensure that it remains financially healthy. Please refer to his Treasurer's Report for full details. With continued spending on Chapter development, and reduced revenue from courses, the Branch again operated at a modest deficit for the financial year. However this deficit was substantially less than in 2006 and well within the capacity of Branch reserves to sustain. The Branch is expected to

return to surplus as the Chapters gradually develop to become self funding or nearly so, and as we begin delivery of courses under the new Pathways program.

**Courses:** As in 2006, fewer courses were held in 2007 than had been the case in years past. The uncertainty due to the reviewing of the various pathways to membership continued throughout 2007, while the previously noted general decrease in demand for entry courses now appears largely to have “bottomed out” and stabilised. Now that the new Pathways program is coming on stream, we shall be in a position to see whether demand will rebound under the new regime. While the new “jurisdiction-neutral” course materials are eagerly awaited, the Branch Professional Development and Entry Course subcommittee, led by Peter Caldwell, is now embarking on “localisation” of the new UK-based materials to suit Hong Kong law.

Entry courses were held in Hong Kong, Jakarta, Manila, Macau and Tokyo in 2007 and early 2008.

Fast Track to Fellowship courses were held in Hong Kong in March 2007 and Singapore (jointly conducted by SI Arb and CI Arb) in October. A Fellowship Assessment course was held in Hong Kong in September. Peer interviews for Fellowship were conducted in Hong Kong, Singapore, Beijing and Tokyo. An Arbitrators’ Surgery was also conducted in Hong Kong in September.

The Branch was also kept busy with “old syllabus” Chartered Arbitrator pupillage courses. A demonstration arbitration was conducted in April, Practical Arbitrator Training in June, mock hearing (by video) and preliminary meeting in December 2007, as well as a Preparation for Panel Interview course in February 2008.

**Winnie Whittaker Memorial Lecture:** This annual lecture was established in 2006 in memory of Winnie, a tireless worker for and staunch supporter of the Branch who passed away in May 2005. The 2007 lecture, delivered by Niels Kraunsoe, was well attended. Intriguingly entitled “Silver Bullet or Snake Oil – Musings on Mediation”, Niels’ presentation continued the tradition of thought provoking subjects established by Peter Caldwell’s inaugural lecture (“Must Arbitration be a Bloodbath?”). We look forward to Past President Colin Wall’s presentation of the third annual lecture in May 2008 on “The Alabama Claims – The Origins of International Arbitration”.

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

EAB also supported a number of conferences throughout 2007.

**Social Events:** These included Annual Dinner with guest speaker Alan Leong SC in April 2007, cocktails for new Entry Course graduates and the Fellows Cocktail Party in July, and cocktail parties in honour of Institute President Teresa Cheng in March and Patron Anson Chan in September. Once again a number of social events were also associated with the Vis East Moot. The YMG organised a number of social events, including a wine tasting, evening functions and hiking trips. Social events were also held in Manila, Beijing, Shanghai and Tokyo.

**Membership:** As at 31 March 2008, total Branch membership stood at 1,728. Of these, 1,322 were in Hong Kong, while the next two largest groups were in Singapore (210) and mainland China (82).

**Publications and Web Site:** The Branch continues to be represented on the Editorial Board of the "Asian Dispute Review" journal by Andrzej Cierpicki and Paul Barrett. The web site has been updated regularly under the management of Christopher To. The Branch newsletter continues to be published quarterly, and particular thanks are due to Andrzej Cierpicki for his sterling job as editor and prime mover since its relaunch in January 2006. It's fair to say that Andrzej single-handedly resurrected and carried the new-look newsletter, and he has left it in good shape for the next editor to take over.

**Extraordinary General Meeting:** An EGM was held on 4 February at which all proposed motions were carried. Updated Branch Rules have been published as a result.

**Farewells:** Sadly, the Branch has lost a number of friends during the year:

- **Michael Keys** was a close personal friend and well known to many members of the Branch as a colleague and friend. A former East Asia Branch committee member, he was also active with the Chartered Institute in the UK before moving to Hong Kong. Michael passed away in September 2007 after many years' battle with cancer. Our thoughts are with his widow Sandra and daughter Diana.
- **Harold Crowter** was both figuratively and literally a giant of construction arbitration, and a former Chairman (i.e. the role now known as President) of the Chartered Institute. Although not an East Asia Branch member, he had strong connections with Hong Kong and the region, through his establishment of the Hong Kong office of Harold Crowter Associates, his involvement with the College of Estate Management and as a pupil master and mentor to EAB members. Harold passed away from cancer in November 2007.
- **Ron Baden Hellard** was the Chartered Institute's longest serving practising member at the time that he passed away in December 2007. I did not know Ron personally, but had been looking forward to meeting him. I understand that he was a charming and colourful character, and he was proposed to have been guest speaker at the 2008 Branch Annual Dinner until he suffered a stroke late last year. Although based in the UK, he was well known and active in the East Asia region, particularly in Taiwan, and will be missed by many members.

**Votes of Thanks:** I would like to take this opportunity to thank all members of the Branch Committee for their efforts over the past year, and in particular to Glenn Haley, Immediate Past Chairman, for his assistance to me as his successor.

I would also like to thank our retiring committee members:

- **Louise Barrington** has left Hong Kong to move to a new position in London, however although no longer on committee she will continue to be involved with EAB as director of the Vis East Moot.

- **Andrzej Cierpicki** and **Christopher To** have stood down to concentrate on new positions in corporate life and government respectively, for which we wish them both all the best.
- Special thanks are due to **Doug Wardale**, who has retired from the committee after many years of dedicated service. As many members will be aware, Doug would most likely have been elected Branch Chairman in 2007, but for a heavy burden of professional commitments which caused him to stand aside. I am personally very grateful to Doug for the support that he as Vice-Chairman has given me over the past year, and I know I speak for the membership as a whole when I say that his contributions have been greatly valued and will be sorely missed.

Thanks also to Primrose Law, Isabelly Lai and the staff of HKIAC for their dedication and support, without which the Branch simply would not function.

John Cock  
Branch Chairman, East Asia Branch  
April 2008

*Office Bearers:*

Chairman	John Cock
Vice-Chairman	Timothy Hill
Vice-Chairman	Doug Wardale
Hon. Secretary	Glenn Haley (Ex Officio – Immediate Past Chairman)
Hon. Treasurer	Joe Gilfeather
Public Relations Officer	Fung Ching Nam

*Committee Members:*

Raymond Au	Paul Barrett (co-opted)
Louise Barrington	Peter Caldwell
Jessica Chan	Andrzej Cierpicki
Julian Cohen (co-opted)	Jayems Dhingra
Anthony Houghton	Nicholas Longley
Christopher To	Yeung Man Sing
Cordia Yu (co-opted)	