

HKI Arb - Practitioner's Guide to ADR and Arbitration

Starting out as Arbitrator: Getting appointments and what to do with them

Mr. Russell Coleman SC of Temple Chambers gave a talk for the Hong Kong Institute of Arbitrators' Practitioner's Guide to ADR and Arbitration" at HKIAC on 06 May 2008. The topic was "Starting out as Arbitrator: Getting appointments and what to do with them". As its name suggests, the talk was divided into two parts: (i) how a new arbitrator can get his or her first appointment, and (ii) how to handle an appointment.

Mr. Coleman referred to his experience as an arbitrator. He said that, for him, his first appointments were referred to him by his colleagues at the Bar. Mr. Coleman noted that the appointment of an arbitrator is not a random process and an arbitrator would most likely be selected based on (i) ability, (ii) relevant experience, (iii) character (i.e. whether the arbitrator is easy to get along with), and (vi) costs. For a new arbitrator with little arbitration experience, it is important to raise his/her profile by doing activities such as writing articles about arbitration in journals, giving lectures/seminars, and attending international conferences.

Mr. Coleman then gave some practical tips as to how an arbitrator should handle an appointment to arbitrate a dispute. First, it is important to check that there is no conflict of interest and an arbitrator should disclose to the parties any potential conflicts. Second, Mr. Coleman recommended that an arbitrator should set out his/her fee structure in a written form (which might cover contingencies such as where the parties decide to settle before or part-way through an arbitration, cancellation fees, reimbursement of travel expenses). Third, Mr. Coleman believed that a new arbitrator should be able to "get on with things" and to move the parties towards a swift resolution. A new arbitrator should also set a sensible timeframe for handing down his/her award. Finally, Mr. Coleman emphasised that all arbitrators should act with integrity and that independence should be maintained at all times. Members of the HKI Arb gave their thanks to Mr. Coleman for his interesting talk in the usual way.

[Reported by Eric Chan, member of the Young Members Group of the HKI Arb]