

# REPORT OF CHAIR OF THE LONDON BRANCH OF THE CHARTERED INSTITUTE OF ARBITRATORS

**BEN GIARETTA**

**APRIL 2020 TO APRIL 2021**

1. It's been an extraordinary year. A year like no other. The activities of a member organisation pale into insignificance, of course, compared to what has been going on in the world as a whole but it is the tradition that the Chair of the Branch gives their annual report at the AGM, and life must go on. Those four words in fact might sum up the whole year for CI Arb London.
2. To start at the beginning. At the last AGM, in April 2020, Paul Rose's term as Chair came to an end. I must pay tribute to Paul, who has been a steadfast supporter of the Branch as member, Committee member, and office-holder (including 2 years as Chair) for more than two decades. His time as Chair saw the Branch activities range from a seminar about the complexity of diversity in international arbitration, to a discussion of artificial intelligence, to a Keynote Address by Lord Neuberger (then recently retired as President of the UK Supreme Court). Paul was a hard act to follow. I am grateful to Paul for his continued support, as the Immediate Past Chair, for me and for the rest of the Committee.
3. As usual, the new Committee assembled shortly after the 2020 AGM to discuss what events the Branch should put on. But what could be done? The UK Government had declared a national lockdown the month before. The country was in the grip of a pandemic which has gone on (as at April 2021) to claim more than 3 million lives across the world. Gatherings were banned. Social events were banned. How could a member organisation function without being able to bring its members together?
4. We assembled for our first Committee meeting using MS Teams and the decision was taken to shift online the events that were lined up in the Branch's calendar. We've had a year of webinars since then, and I for one have sampled more during that period than the proverbial hot dinners. But back in April 2020 we were all webinar novices. I had never attended a webinar before, let alone organise one. It seemed easy to dive into that online world but, to borrow from Donald Rumsfeld, we didn't know what we didn't know.
5. I'll come back to the lessons we've learned in a moment but first I'd like to explain one significant decision that was taken, which was to open the events to all. Identifying Branch members at in-person seminars is easy. Someone wanting to attend has to register, turn up at the venue in London, pick up their name-badge, sit next to other Branch members, and endure polite enquiries from Committee members during the after-event drinks. Imposters (or as we like to call them, potential Branch members) are easy to spot.
6. But how could we police online events? The number of potential joiners was massive because there was no natural limitation from the need to be physically in London. We could not see or speak to the attendees. We did not have a website that has a member booking portal. We could pay the Branch Administrator to scour through member lists and respond to every inquiry, but would that be a good use of the Branch's resources? And the Committee members are all volunteers, with busy full-time jobs: would it be appropriate to ask them to design a new online system? Finally, would it be worth it, given the indications were that the lockdown might be over by the summer?

7. We were very conscious that this is a member organisation, and our 1,700 Branch members who pay their annual subscriptions are entitled to receive benefits that are not open to non-members. Later on in the year we did find a way to run member-only events (I'll come back to that) but in April 2020 it seemed rational, taking everything into account, to use the tools that were already easily available to us and to make events generally accessible. With hindsight I regret that the sequence of open events has gone on for so long, as the result of successive UK lockdowns, and personally I'd like to move back to in-person, member-only seminars as soon as possible, but I think we made the right decision at the time to open up events to all.
8. I want to pay tribute here to my fellow Committee member Karina Albers. Karina is a full-time arbitrator. She has a background in international trade and commodities. She is not an IT consultant. In April 2020 she was rather more experienced in webinars than the rest of us, however, and, while it was a bit like saying in the land of the blind, the one-eyed woman is queen, she was rapidly promoted to our Zoom guru. She has been the mainstay of our events throughout the year, setting them up online and acting as administrator throughout – with our Honorary Secretary, James Clanchy, as her back-up.
9. So what have we learned from a year of online events? The first lesson has been that simplest is best. Or, if you'll forgive yet another folk saying, too many cooks spoil the broth. With in-person seminars we are very grateful to our hosts for providing seminar rooms and refreshments, but in an online world each time we changed hosts we were dealing with different IT personnel and we were requiring our members to learn how to use a different system. One system (Zoom) operated consistently by one person (Karina) was much to be preferred.
10. The second lesson was that webinars work surprisingly well. Not as well as in-person seminars, perhaps – I miss seeing the engagement with the presentations across the seminar-room, and the convivial drinks afterwards – but they are successful nonetheless. We've run 9 webinars across the year addressing such diverse topics as "Green" ADR, rights of appeal in arbitration, streamlining evidence in construction disputes, and tax and ADR. I've attached a complete list of our events as a schedule to this report. They've all been very well attended. Our construction disputes webinar, in particular, had a huge number of registrations – the numbers ended just short of the limit of 1,000 people on Zoom.
11. And we've become more confident in running webinars over the year. This confidence has led us to experiment and, in particular, after a time we felt comfortable enough to start running small-scale member-only events. I'd like to pay another tribute here, to my fellow Committee member Daniel Djanogly. It was his idea to try out a member-only lunchtime roundtable, intended as a true discussion event in contrast to the "talking heads" at webinars. These could only work with a limited group and a limited scope: as a species, we've not yet evolved the etiquette for mass-participation on Zoom! The first roundtable was so successful that it's been repeated on two further occasions and it looks like this will be a staple of our online diet in future.
12. The other category of events that you'll see in the attached schedule is the Young Members Group webinars. The revival of the YMG has been another great development. It was actually planned during the previous year, but the pandemic postponed it by 6 months or so. Beth Montpetit, Dan Harrison, Laila Hamzi and Rob Price have done a great job giving new life to the YMG and we're looking forward to seeing how it develops further.

13. On a wider front, I should mention the engagement that we've had with 12 Bloomsbury Square and the CI Arb as a whole. I attended the CI Arb Congress in November on behalf of the Branch – online, of course – and I've also attended regular calls throughout the year with Catherine Dixon, the new CI Arb Director General, and other Branch Chairs to discuss the plans for improvements to the CI Arb organisation. Watch out for news about this, which will be circulated in the next few months.
14. I'd like to finish by thanking some more people. First, I'd like to thank our event sponsors and partners, namely: Pinsent Masons; Hill Dickinson; Clyde & Co; EY; the LMAA; the International Arbitration Centre; my own firm, Fox Williams; the LCIA; and King's College London, as well as our colleagues at the headquarters of the CI Arb. It's been a pleasure to work with you throughout the year.
15. Secondly, I'd like to thank our Branch Patron, Dame Elizabeth Gloster, who in addition to supporting the Branch has moderated one of our events and entered into an engaging discussion with the YMG about her career, for another event. I'd also like to thank our Branch Administrator, Elinor Pritchard, who's dealt with all our mailings and other admin, as usual.
16. Then I must thank our Branch officers: Kim Franklin QC, our Public Relations Officer, for her excellent write-ups of our events; Gill Mansfield, our Honorary Treasurer, for handling the Branch funds and for dealing so efficiently with the CI Arb reporting requirements; James Clanchy, our Honorary Secretary, for arranging all the Committee meetings and the Committee elections, with good sense and patience throughout; and Nick Stewart QC, our Vice-Chair, for his support both in Committee meetings and at events, and for his unfailing good humour.
17. I'd also like to thank all our Committee members. The ones that I've not mentioned so far are Gillian Carmichael Lemaire, Dr Sean Cotter, Andrew Kasriel, Andrew Davis, Abigail Day, Tim Hardy, Jean-François Le Gal and Emmanuel Odigie. They've all made significant contributions to the Branch, whether in organising events, taking on projects, or suggesting new ways of the Branch operating. I'd like to thank the whole Committee for making our meetings a joy to attend despite the unusual circumstances.
18. Above all, I thank all the Branch members for their participation in the Branch activities this year. It has been an extraordinary year. I hope you've enjoyed the webinars, the roundtables and the fireside chats. I hope you remain safe and well, and that you're looking forward to the country returning (slowly) to some normality over the course of the next year. And I hope to see you again soon, in person, at our events over the coming year and beyond. Thank you.

**Ben Giaretta**

**Chair, London Branch of the Chartered Institute of Arbitrators**

**21 April 2021**

## SCHEDULE

### CIARB LONDON EVENTS SINCE 2020 AGM

20 May 2020	<p><b>Webinar: The challenges raised by COVID-19 and its impact on the arbitral process - what's now, what's next</b></p> <p>Speakers: Christine Artero, Dr Rémy Gerbay, Dr Mohamed Hafez, Andrew Roberts and Jean-François Le Gal (moderator)</p> <p><i>Supported by Pinsent Masons</i></p>
10 June 2020	<p><b>Webinar: Construction adjudication: current developments and a peep into the future</b></p> <p>Speakers: Tricia Morrison, Kim Franklin QC, Ivor Collett and Emmanuel Odigie (moderator)</p> <p><i>Supported by Hill Dickinson</i></p>
2 July 2020	<p><b>Webinar: How effective is ADR in professional liability cases?</b></p> <p>Speakers: Helen Rowlands, Rebecca Clark, Trevor Clegg and Andrew Davis (moderator)</p> <p><i>Supported by Clyde &amp; Co</i></p>
6 October 2020	<p><b>Webinar: Tax and alternative dispute resolution: are they mutually exclusive?</b></p> <p>Speakers: Geoff Lloyd, Peter Nias, Kay Linnell, Mike Howe, Maggie Stilwell (moderator)</p> <p><i>Supported by EY</i></p>
4 November 2020	<p><b>Lunchtime Roundtable: All in this together? Arbitration and ADR as allies of civil justice</b></p> <p>Panel: Gordon Nardell QC, Angharad Parry and Marion Smith QC, Daniel Djanogly (moderator) and Paul Rose (moderator)</p>
26 November 2020	<p><b>YMG Webinar: The Supreme Court decision in <i>Enka v Chubb</i></b></p> <p>Panel: Clara Benn, Niranjana Venkatesan and Louis Flannery QC (moderator)</p>
2 December 2020	<p><b>Webinar: Rights of appeal in arbitration</b></p> <p>Speakers: Clare Ambrose, James Turner QC, David Barnett, Corina Song and Dame Elizabeth Gloster (moderator, Patron of the Branch)</p> <p><i>Joint event with LMAA</i></p>

9 December 2020	<p><b>Lunchtime Online Surgery: Arbitration procedure and practice</b></p> <p>Panel: Nick Stewart QC, Tim Hardy, Gillian Carmichael Lemaire, Gill Mansfield (moderator), Daniel Djanogly (convenor)</p>
20 January 2021	<p><b>Webinar: Are ZOOM and CHUBB the top arbitration influencers of 2020?</b></p> <p>Speakers: John Judge, Peter Ashford, Julia Dias QC and David Joseph QC (moderator)</p> <p><i>Supported by Fox Williams and the International Arbitration Centre</i></p>
11 February 2021	<p><b>Webinar: Streamlining evidence in construction disputes</b></p> <p>Speakers: Ahmad Al-Ansari, Kim Franklin QC, Jason Hambury, Krista Lee QC, Joanne Prior and Professor Renato Nazzini (moderator)</p> <p><i>Joint event with King's College London</i></p>
17 February 2021	<p><b>YMG Webinar: Dame Elizabeth Gloster (Patron of the Branch) in conversation with the Young Members Group of the CI Arb London Branch</b></p> <p>Moderators: Elizabeth Montpetit, Robert Price</p>
18 February 2021	<p><b>Webinar: "Green" ADR: How do we recalibrate for the future?</b></p> <p>Speakers: Jamie Harrison, Lucy Greenwood, Dr Anna Howard, Mia Forbes Pirie, Michelle Bradfield, Nicholas Stewart QC (moderator)</p> <p><i>Joint event with LCIA</i></p>
8 March 2021	<p><b>Webinar: International Women's Day Event</b></p> <p>Speakers: Rosemary Jackson QC, Susan Lindsey, Dorothy Udeme Ufot and Kim Franklin QC (moderator)</p> <p><i>Joint event with CI Arb headquarters</i></p>
24 March 2021	<p><b>Lunchtime Online Surgery: Fair Conditions in Remote and Hybrid Hearings</b></p> <p>Panel: Ian Gaunt, Philippa Charles, Nick Stewart QC, Daniel Djanogly and Karina Albers (moderator)</p>
21 April 2021	<p><b>AGM &amp; Keynote Speech by Professor Dr Maxi Scherer: The proper law of the arbitration agreement: a comparative law perspective</b></p>