



Chartered
Institute of
Arbitrators

CI Arb

COURSE INFORMATION

ACCELERATED ROUTE TO FELLOWSHIP

13th and 14th December, 2014

Malaysia Branch

What is the aim of the module?

To provide a fast-track route to Fellowship through the international arbitration pathway. The Accelerated Route to Fellowship has been designed for busy experienced, legally qualified professionals with substantial knowledge and experience of arbitration. The aim of the programme is to assess the range of skills needed in order to perform competently as an arbitrator.

Candidates must evaluate the programme themselves as to their personal suitability to undertake it. The programme covers the law of civil and commercial arbitration. It is therefore valuable for anyone wishing to be conversant with the law governing the arbitral process generally, whether as a party, advocate, witness, judge or potential arbitrator.

What are the learning outcomes?

On successful completion of this course, candidates should be able to:

- Describe and explain the principles and specific legal requirements in a commercial arbitration, including: the range and limitations of matters that may legally be arbitrated; the significance, rights and responsibilities of the different performers in an arbitration; the peculiar contractual nature of an arbitral appointment; the range and limitations of an arbitrator's powers and jurisdiction; the methods of initiating and processing an arbitration; the relevance of Court regarding all stages in an arbitration; and the requirements of an enforceable award.
- Appreciate, apply and balance the principles and legal requirements set out in the syllabus below in the context of an international arbitration.
- Show a confident ability to refer to, use and express legal procedural principles, rules and arguments relevant to the conduct of an arbitration.
- Describe and explain in depth all the key elements of procedure involved in the domestic arbitral process, including: drafting an arbitration agreement; detailing procedure; making submissions and interlocutory applications; making interlocutory decisions; presenting and receiving evidence; and everything usually required of all the performers in the process except writing a Final Award.
- Demonstrate practical skill in controlling an arbitration, communicating effectively with parties, providing justice clearly and fairly, and applying appropriate rules and procedures in a reasoned manner.

What is covered within the syllabus?

- Law of Arbitration
 - Fundamental principles of the arbitration process
 - The relevant arbitration code(s)
 - The arbitration agreement
 - Initiation of an arbitration
 - Nomination & appointment of an arbitrator
 - An arbitrator's jurisdiction & powers
 - Deciding and Settling the Procedure
 - Interlocutory procedures, pleading & applications
 - Oral hearings & Procedure
 - Cost & Interest claims
 - Award types and requirements
 - Role of the Court

- Arbitration Practice & Procedure
 - Writing an arbitration Agreement
 - Schedules of Fees & Expenses
 - Drafting in arbitrations generally
 - Interlocutory matters, including applications
 - Detailing the procedure
 - Submissions, Pleading and Disclosure
 - Oral and physical evidence
 - Measures for Protection
 - Reasonable costs
 - Offers to settle
 - Main stages in an arbitration
 - Defining and dealing with issues in dispute

- Dealing with arguments and claims

How is the course delivered?

The course is delivered over a period of two days, with a combination of lectures, assessment workshops and written exercises to assess a candidate's knowledge of arbitration and ability to deal with practical and procedural situations and drafting. The course will be conducted on the **13th and 14th of December 2014**, when candidates will be required to attend the face to face workshops.

How will I be assessed?

Assessment of this programme is split into two components:

- **Assessment 1** – An interactive 2-day assessment series of workshops, where situations will be presented to candidates in groups for their consideration as to what to do in such circumstances. Candidates are assessed in terms of their knowledge, judgment and interactive/self-presentation skills and ability to draft specific documents related to the

situations. Assessment of this element is on a pass or fail basis. Candidates must pass all the workshop sessions.

- **Assessment 2** – Written exercises before and during the 2-day workshops:
 - One (arbitration law) to be submitted before the assessment Workshops (10%);
 - One (arbitration law) during the workshops (20%);
 - Two during the Workshops (10% each);
 - An overnight exercise (30%); and
 - A final exercise (20%).

The pass mark for these written exercises is 55% overall and for each of the arbitration law and arbitration practice, procedure & drafting.

Results are dispatched to candidates normally eight to twelve weeks from date of the conclusion of the assignment or examination.

What are the entry requirements?

In order to be registered onto the Accelerated Route to Fellowship – International Arbitration, candidates must:

- Have successfully completed and passed Module 1 Law of Obligations and Civil Evidence, or a recognized equivalent qualification such as a Law qualification.
- Have substantial knowledge of arbitration (unassessed) – UNCITRAL Model Law on International Commercial Arbitration.
- Evaluate the programme themselves as to their personal suitability to undertake it, appreciating that the assessment unit is intensive and that they will be assessed throughout the programme against standard benchmarks.

What is the course fee and what does it include?

The **course fee is RM4,900.00 net** per candidate (for Non Members) and **RM4,700.00 net** (for CIArb Members only) per candidate. The fee includes registration on the course, the first attempt at the assessments, study materials, lunch and refreshments throughout the day for both days. Candidates are only deemed to be registered for the course upon receipt of full payment by the organizer

What happens when I register for the course?

Upon successful registration, candidates will receive confirmation they are booked for the course. Joining instructions and course materials will be sent to candidates approximately 2 weeks before the course start date.

The designated workbooks for the course are 'Module 2 Law of Arbitration, Donald Valentine, 2006, : and 'Module 3 PRACTICE, Procedure, Drafting and Deciding, William McLaughlin, 2005.'

It is recommended that candidates read the relevant arbitration code(s), Act(s) and other legislative provisions, major case decisions (where applicable). Candidates are recommended to refer to

commentary on the Arbitration Act 2005 by W.S.W Davidson and Sundra Rajoo and the Explanatory Note on the UNCITRAL Model Law 1985 (with amendments as adopted in 2006).

The Explanatory Note on the UNCITRAL Model Law 1985 may be found at this website – [http://www.uncitral.org/uncitral/en/uncitral texts/arbitration/1985Model arbitration.html](http://www.uncitral.org/uncitral/en/uncitral%20texts/arbitration/1985Model%20arbitration.html).

Candidates may also find it useful to refer to the following to supplement their learning;

- Bernstein's Handbook of Arbitration and Dispute Resolution Practice by John Tackaberry and Arthur Marriot (4th edition 2003).
- Russell on Arbitration (23rd Edition 2007)
- Mustill & Boyd, Commercial Arbitration (3rd Edition 2008)
- Dr Mark Cato, Arbitration Practice and Procedure, Interlocutory & Hearing Problem (3rd Edition 2002)

What is CI Arb's Policy on 'cancellation of courses'?

CI Arb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any changes. If the Institute has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course.

Should a candidate wish to cancel their registration of a course, notification must be received in writing to ciarbmb@gmail.com. Cancellation charges apply.

What is my next step when I complete the course?

On successful completion of this course, candidates:

- May progress onto Module 4 of the arbitration pathway.
- Will have an opportunity to gain a prestigious qualification as Fellow of the Chartered Institute of Arbitrators, UK upon successful completion of Module 4

How do I apply?

Please register by returning the Registration Form attached to this flyer.

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