

## **The Chartered Institute of Arbitrators (East Asia Branch)**

### **FCI Arb Course for the HKIE Members**

Module 3: International Arbitration Practice and Procedures

Module 4: Award Writing Examination

**12 Friday evenings starting from 18 May 2018**

6:30 pm to 9:00 pm at the HKIE Headquarters

9/F Island Beverley, No. 1 Great George Street, Causeway Bay

The Chartered Institute of Arbitrators (East Asia Branch) (CI Arb) is pleased to collaborate with **The Hong Kong Institution of Engineers** to run this course exclusively for our members (who have completed the MCI Arb Course (i.e. Modules 1 and 2) held in Session 2016/17 and/or who are already MCI Arb) spreading over 12 evenings. Upon successful completion of the course and passing of the necessary examinations, candidates can apply to become a Fellow of the CI Arb, **FCI Arb Membership**.

### **Module 3: International Arbitration Practice and Procedures**

#### **What is the aim of the course? What are the learning outcomes?**

CI Arb's Module 3 Course is suitable for existing Members who wish to progress through the Pathways to Fellowship and reach FCI Arb status. The course will provide detailed knowledge of and guided practice in the main procedural elements involved in a commercial arbitration so that successful candidates are proficient in giving independent advice on the process and drafting as professional advocates or arbitrator. The course is based upon the UNCITRAL Model Law and Arbitration Rules.

#### **How is the course delivered?**

The course is delivered over a period of approximately 8 evenings and with examination being taken soon afterwards. Candidates are expected to read the materials thoroughly beforehand. The course language is English.

#### **How will the Candidate be assessed?**

Assessment of this course is split into the following three parts:

1. Two written assignments to be submitted during the course (10% each).
2. A three hour closed book examination (80%). The examination is closed book; no materials are permitted in the examination room except for an unmarked copy of the UNCITRAL Model Law (incorporating all amendments) and relevant Arbitration Rules. Highlighting and underlining is permitted.
3. An interactive two-day assessment in a series of workshops.

Candidates are required to achieve a minimum of 55% in each of the Assignments and the Examination, and 55% overall. For the workshop assessment, it is on a pass or fail basis. Candidates must pass all the workshop sessions. Scenarios are presented to candidates in groups for their consideration and discussion. A candidate's knowledge, judgment and interactive/self-presentation skills are assessed by a series of oral and written exercises. There is an element of role-play involved.

### **Programme**

The course will be run over a period of approximately 3/4 months and comprises the following elements with an indicative time-table stated in brackets:

- 1 Private study of the workbook (1 month): [Commence in April 2018]
- 2 Complete practice questions.
- 3 Carry out two assignments (Each 10% of marks)
- 4 Attend a number of evening tutorials [May/June/July 2018]
- 5 A 3-hour closed-book Examination (80% of marks) [July/August 2018]
- 6 Attend an interactive 2-day assessment workshop (August/September 2018)

### **Course details**

This Module 3 Course in International Practice and Procedures is the cornerstone of the CI Arb's Pathways to Fellowship Programme, under the "old" Pathways which are being replaced by a new Pathways system. It will address knowledge, practices and procedures related to international arbitration comprising a series of lectures, tutorials, set assignments as well as both written and practical examination sessions. The course will provide detailed knowledge of and guided practice in the main procedural elements involved in a commercial arbitration so that successful candidates are proficient in giving independent advice on the process and drafting as professional advocates or arbitrator. The course is based upon the UNCITRAL Model Law and Arbitration Rules. While a Workbook will be provided candidates are expected to supplement their study with recognized standard arbitration text books.

The syllabus will cover the following aspects:

- Drafting in Arbitrations
- Responding to an invitation to act as arbitrator/terms of reference
- Conflict of interest
- Commencing the arbitration
- Submissions from the parties
- Interlocutory applications
- Offers
- Stages of the arbitration
- Defining the issues
- Examining the dispute
- Framing the issues
- Findings of fact
- Analysing and deciding
- Expressing decisions in writing
- Calculations

On successful completion of the Module 3 course candidates will be able to describe and explain in depth all the key elements of procedure involved in the arbitral process including drafting an

arbitration agreement, detailing procedure and making submissions and interlocutory applications. In addition, the course will cover how to present and receive evidence and demonstrate practical skills in carrying out the tasks involved in preparing and progressing arbitration. Furthermore, we will address and demonstrate skill in controlling an arbitration communication effectively with the parties providing justice clearly and fairly and applying appropriate rules and procedures in a reasoned manner.

### **Who may attend?**

Module 3 is a mandatory course for those who wish to continue from Member (MCIArb) level to Fellow (FCIArb). Candidates must be an existing full member of the Institute and have completed and passed the CIArb Module 1 (Law of Obligations) and 2 (Law of International Arbitration) or a relevant course offered by a CIArb Recognised Course Provider (RCP) to an equivalent standard. Successful candidates will be eligible to proceed to the CIArb's Module 4 Award Writing Course *en route* to becoming a Fellow.

## **Module 4: Award Writing Examination**

### **What is the aim of the course?**

To allow candidates to pass the final study/ examination step in progressing towards attaining Fellowship status of CIArb. Success at the examination permits candidates to take the Peer Interview in order to progress to Fellowship of the Chartered Institute of Arbitrators.

### **How is the course delivered?**

The course is delivered primarily through self-study using a Workbook that will be provided to registered candidates. For HKIE candidates, however, we will provide special and tailor-made additional classes, including:

- Three evening sessions covering the syllabus of this Module:
  - (1) Introduction, purpose of an award, legal and substantial requirements
  - (2) Procedural matters, the reasoning process, and the structure
  - (3) How to write an award, costs and interest, publishing an award.
- To assist those sitting the examination a two-hour optional refresher seminar will be held to discuss the specifics of writing an enforceable award.

### **How will the Candidate be assessed?**

Assessment of this course is split into two parts:

- (1) A written assignment to be submitted during the course (20%).
- (2) A four-hour International Award writing examination (80%), which will be held on **Saturday, 6 or 13 October, 2018 (9:00am-1:00pm)** at the HKIAC..

The award writing examination takes place in two Phases. You will receive the first segment of the examination (Phase 1) on or about two weeks before the date of the examination, with enough information for you to prepare a substantial part of your award. Phase 2 of the examination will take place on Saturday 2018 which is when you will receive the second segment of the examination, containing further information on the arbitration in question. This will enable you to complete the award in the examination room on that date.

The examination is closed book; no materials are permitted in the examination room except for an unmarked copy of the UNCITRAL Model Law (incorporating all amendments) and relevant Arbitration Rules. Highlighting and underlining is permitted.

Candidates must achieve a minimum overall combined mark (assignment and award writing examination) of 70%, as well as 70% on both the assignment and the examination, to pass the course.

**Course fee:** HK\$18,000

**The Chartered Institute of  
Arbitrators (East Asia Branch)**

**Arbitration Courses**

Module 3: International Arbitration Practice and Procedures

Module 4: Award Writing Examination

**REPLY SLIP**

To: The Hong Kong Institution of Engineers, 9/F Island Beverley, No. 1 Great George Street,  
Causeway Bay (Attn: Ms May Lin)

**Module 3: International Arbitration Practice and Procedures**

**Module 4: Award Writing Examination**

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I hereby apply to participate in the above courses and enclose a brief CV showing my professional experience. I also enclose a cheque in the sum of HK\$18,000 payable to “**The Chartered Institute of Arbitrators (East Asia Branch)**” being sent to the HKIE for collection purposes with this enrolment form.

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

HKIE Membership Class and Number: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

For enquiry, please email Mr Glenn Haley at [glenn.haley@blplaw.com](mailto:glenn.haley@blplaw.com) or Ir Sam YS Chan at [samchan@member.hkie.org.hk](mailto:samchan@member.hkie.org.hk)

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**About the Chartered Institute of Arbitrators:**

The Chartered Institute of Arbitrators sets the global standard for professional education in dispute resolution, and CI Arb membership qualifications are globally recognized. To find out more about us please visit our website: [www.ciarb.org](http://www.ciarb.org)