

NATIONAL LAW SCHOOL
OF INDIA UNIVERSITY
BANGALORE



TRILEGAL

The 1st

NLSTIAC

National Law School Trilegal International Arbitration Conference

Arbitration in the contemporary world

Challenges in the practice of arbitration and the way forward

CONCEPT NOTE

17 MAY 2018

NLS TRILEGAL INTERNATIONAL ARBITRATION CONFERENCE 2018

AN INQUISITIVE LOOK AT ARBITRATION IN THE CONTEMPORARY WORLD

(17th May, 2018)

*Organised by the Moot Court Society, Student Bar Association,
National Law School of India University, Bangalore*

CONCEPT NOTE

INTRODUCTION

The significance of international arbitration as a strategy to solve complex international commercial disputes is undisputed. Its use and profile has seen a meteoric rise across the globe in the last few decades. This is supported by a growth in academic literature on international arbitration, examining its viability and impact, weighing pertinent factors, strategies and tactics used. However, there is a lack of such discourse with regards to gender parity, and discourse specific to the Indian context.

The last decade has seen international arbitration in the Indian subcontinent flourish, with more and more users turning to arbitration rather than litigation as a means to resolving their commercial disputes. India is home to several arbitral institutions and arbitration friendly specialised and experienced national courts. But what are the challenges faced by arbitration in contemporary India and the world? Is it time and cost effective? Does it provide scope for gender parity? With the demand for the resolution of international disputes in India growing strongly, it becomes imperative to examine the Indian experience in arbitration proceedings, and its contemporary application.

With this objective in mind, the Moot Court Society of the National Law School of India University, Bangalore, is organising a one-day conference – the NLS Trilegal International Arbitration Conference, to bring together several eminent personalities in the field of international arbitration to provide a unique perspective and practical insights to the most pertinent questions relating to contemporary issues in international arbitration.

CONFERENCE THEMES

The two discussion tracks for the conference are as follows:

1. Time and Cost Saving in Arbitration
2. Equality in International Arbitration Community

1. Time and Cost Saving in Arbitration

Arbitration is an invaluable tool for the settlement of disputes, and in particular, commercial disputes. Its importance as a procedure for dispute resolution stems from its effectiveness in a

However, the mounting delays and ever-increasing costs associated with arbitration have resulted in the dilution of its distinguishing characteristic of being a financially viable and attractive alternative to traditional litigation. It therefore becomes necessary to address this issue and to identify and analyse the areas where time and cost accrue. It is for these reasons that the arbitration community has recognised the need for making arbitration more efficient.

There has already been a wide discourse on the inefficiencies created by the parties and representatives in arbitral proceedings. However, it is necessary to supplement this with the identification of the role of both representatives and arbitrators alike in maximising efficiency in arbitration.

Questions for Discussion:

- Which areas of arbitration proceedings do time and cost inefficiencies arise in?
- What is the role of parties and their representatives in increasing the effectiveness of arbitration proceedings with respect to time and cost?
- What changes to institutional mechanisms in arbitration proceedings would result in cost- and time-savings?
- How can the use of technology, cost orders, pre-hearing meetings etc. help in maximising efficiency?

2. Equality in International Arbitration Community

Increasingly, arbitration offers an appealing substitute for the traditional judicial process.

However, women are consistently missing from the lists of arbitrators, and in international arbitration tribunals. This has resulted in a lack of full understanding and ineffective resolution of disputes between individuals whose lives are not reflective of traditional male experience.

To open the minds of the key players in international arbitration to the need for more gender diversity in this field, in particular on arbitral tribunals, The Equal Representation in Arbitration Pledge was launched in 2016 in a bid for equal opportunity in international arbitration. While the Pledge has more than 1,000 signatories to date, including WIPO and the ICC, the ultimate aim of gender parity remains to be met.

The presence of implicit bias and gender stereotyping in the arbitrator selection process can be shown both anecdotally and through a variety of studies. There is a need for wider debate about the need for diversity in general, so as to broaden the pool of talented arbitrators (gender, age, ethnic diversity) and in turn, the lack of female arbitration partners in law firms, which in itself is a major obstacle.

Questions for Discussion:

- What is the current status of women in the arbitration field?
- Which factors, such as implicit biases, are responsible for contributing to this problem?
- What are the benefits that shall be obtained by bringing more women to arbitration?
- What potential structural and incremental strategies and tools could promote a sustainable international arbitration system for the future

SPEAKER PROFILES



Martin Hunter

Professor Martin Hunter is one of the most widely acknowledged authors in the field of international commercial arbitration, co-authoring the widely acclaimed authority in the subject, Redfern and Hunter on International Arbitration. He was a partner at Freshfields for 27 years, later leading the firm's International Arbitration Group. On retiring from the firm, he joined the Essex Court Chambers, where he practices international commercial arbitration. He also teaches international arbitration as a visiting professor at several universities around the world, including King's College London, University of Miami Law School, and Central European University, Budapest. He is a member of the Council of ICCA and has contributed to a number of organisations, including the AAA, IBA, ITA's Academic Council, ICC, LCIA and UNCITRAL



Vikas NM

A graduate of NLSIU from the 2008 batch, Vikas Mahendra is a dual qualified lawyer as an advocate in India and as a Solicitor in England and Wales. After graduating, he completed the European Masters in Law and Economics program in 2009 and was awarded prizes for the best thesis and overall best graduating student. He has previously worked in the arbitration and dispute resolution department at Herbert Smith Freehills, Singapore where he was involved in a range of multi-jurisdictional matters as well as at Arista Chambers, specializing in the field of commercial arbitration. Presently, he is a Partner at Keystone Partners, Advocates and Solicitors, specializing in the field of Arbitration and Dispute Resolution.



Luis King

Mr. Luis A. King completed his LL.M in Dispute Resolution in 2016 from Pepperdine Law and is currently a Senior International Case Counsel at the Kuala Lumpur Regional Centre for Arbitration. Previously, he has worked as a research assistant for Jack J. Coe, Jr., a foremost international arbitrator based in Malibu, California. During his stint in Mexico, Mr. King has worked in Von Wobeser y Sierra, S.C., one of the premier legal firms in Mexico with international projection. During his time in this firm, he participated in arbitration procedures under CAMCA, UNCITRAL, ICSID and ICC rules, among others. Alongside this, he has also played an advisory role for major international companies and has consulted with various corporate planning projects in Mexico.



Rashda Rana

Rashda Rana is the head of RANA IDRS and is a commercial & construction/infrastructure lawyer with over 25 years' experience in the legal profession. She has worked as counsel and arbitrator in a number of international jurisdictions including London, Australia, Hong Kong, Singapore, etc. She has worked on major commercial, maritime, construction, oil and energy & infrastructure litigations, arbitration and mediation involving wide ranging issues. She is also the Course Director of the Chartered Institute of Arbitrators' Diploma in International Commercial Arbitration course in Asia. She is the President of ArbitralWomen, the Immediate Past President of the Australian branch of the Chartered Institute of Arbitrators (CI Arb), the Founding Member and former Vice Chair of the Society of Construction Law Australia. She has also published textbooks on International Commercial Arbitration and was also a former Adjunct Professor at the Sydney University Law School.



Anuradha Agnihotri

Anuradha Agnihotri is an alumnus of the National Academy for Legal Studies and Research, Hyderabad and is currently a Counsel at Trilegal where she is part of the dispute resolution team. Anuradha has extensive experience in foreign seated and domestic arbitrations as well as litigation in the Bombay and Karnataka High Courts, Supreme Court and other High Courts and lower courts across India. Her experience includes a wide range of high value arbitrations including disputes arising out of shareholder agreements, share purchase agreements and large construction projects. Her litigation experience includes representing Indian and international clients in complex commercial disputes. She also appears on behalf of clients as an arguing counsel.



Payment details

Indian teams can pay via NEFT (Electronic Transfer) or Demand Draft

Bank: Corporation Bank

Branch: NLSIU Branch

Address: NLSIU Campus, Nagarbhavi, Bangalore 560072.

Branch Code: CORP0002144

Account Name: SBA Moot Court

Account Number: 214400101000521

Registration Fees (Rs. 650) as well as fees towards accommodation (Rs. 500. If opted for) are to be remitted together.

There is an optional report submission and on the basis of the report, top 3 adjudged submissions will be given the opportunity of witnessing the finals of NLSTIAM and a fine-cuisine dinner at Taj West End, Bangalore.

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Contact Details

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