

SCHOOL OF LAW, UCLAN CYPRUS

PROFESSIONAL COURSE

ACCREDITED BY THE CYPRUS BAR ASSOCIATION

HOW TO DRAFT INTERNATIONAL ARBITRAL AWARDS

9 CPD HOURS

DATES: 23-24 NOVEMBER 2018 VENUE: UCLAN CYPRUS CAMPUS

TIMES: DAY ONE - 17:00-21:00 DAY TWO - 10:00-16:00

Course Outline

Arbitration, it is often said, is only as good as the arbitrator. The central duty of any arbitrator, in turn, is to issue an enforceable award. Hence, arbitration is really only as good as the award.

Whilst there is no shortage of Courses on the theory of arbitration, offerings on the practical aspects of how to go about writing an award are rare.

This Course is intended to fill that void. Designed for arbitration practitioners, the purpose of this Course is to learn how to write good arbitral awards. The focus will be on the drafting of awards in international arbitration, both commercial and investment. A comparative perspective of international versus domestic arbitration with a focus on Cyprus will also be examined. **Basic knowledge of arbitration is recommended.**

Participants will discover tried-and-tested techniques and practical guidelines applied by world-leading international arbitrators to efficiently draft good awards. This will equip them with a set of practical tools they will be able to apply and hone over a lifetime.

Notably, participants will be able to immediately put these tools into practice. They will be asked to draft an award applying the lessons and techniques learned during the Course (mock award).

A session will follow where a model award will be drafted and individual feedback will be provided, in preparation for the assessment of the Course through a mock award.

This Course will be relevant to:

- Participants of the Professional Arbitration Courses (level 1 and 2) co-organised by the School of Law, UCLan Cyprus and the Cyprus Arbitration and Mediation Centre;
- Advanced students in law, finance and business, and cognate academic disciplines;
- Practising lawyers, professionals from the construction industry, the provision of public services, the banking industry and public bodies.

This Course is designed for the continuous professional development (CPD) of young and other professionals in Cyprus and internationally and is equivalent to 9 CPD hours. UCLan Cyprus through its Law School is an accredited provider of CPD programmes under the relevant Cyprus Bar Association scheme.

The Course is deemed equivalent to level 3 of the Professional Arbitration Course: fellow arbitrator level, UCLan Cyprus and Cyprus Arbitration and Mediation Centre.

Practitioners will gain advanced knowledge of the legal framework and the best practices on drafting international and domestic arbitral awards.

The Course will be delivered at an intermediate-to-advanced level, and will build on previous knowledge on international commercial and investment arbitration.

Once assessment (mock award) is submitted and personal feedback provided, certificates of completion will be issued.

The Course will aim to provide participants with:

1. Knowledge and understanding of tested techniques on drafting arbitral awards
2. A guide on practices and rules applicable for enforceable awards
3. A comparative understanding of international and domestic (Cypriot) awards
4. An understanding of the process taking place before drafting the award, including the role of the arbitral secretary

Course Structure

The Course will be delivered in two days and will have a total duration of nine hours covering different substantive elements. Refreshments will be provided throughout the duration of the Course and lunch on Day Two.

Day One (4 Hours)

17:00	Introduction: What is a "good" Award?
17:20	Before Drafting: Organising the File & the Record
17:50	Structure of the Award: From Large to Small Units (ToC) & Basic Legal Drafting Techniques
18:30	First steps: The Parties, Case Particulars, Procedural history & Others (Cover and TOA)
19:05	Position of the Parties & Request for Relief
19:40	The Facts
20:10	Discussion: Analysis and Reasoning
21:00	End of Day One

Day Two (5 hours of teaching and one hour break for lunch):

10:00	Costs & Interests
10:40	The Dispositive Section (<i>dispositif</i>)
11:30	The role of the arbitral secretary and how to best collaborate with them
12:10	Different genres of arbitration: Domestic v. International arbitration; Commercial v. Investment
12:50	<i>Lunch Break</i>
13:50	Practical Exercise: Drafting an Award
14:50	Moot Award Model & Feedback
15:30	Award-drafting in Real Life: Samples, War Stories & Final Advice
16:00	End of Day Two

The Course will be held at UCLan Cyprus on Friday, 23rd November 2018, between 17:00 and 21:00 and Saturday, 24th November 2018, between 10:00 and 16:00.

The price for participation is **€450 per participant** which includes the **delivery of the Course, the assessment and feedback, refreshments on both days and one light lunch**.

To book to attend the course, please complete the registration form at <https://bit.ly/2CETPfN> and submit it to lawacademy@uclancyprus.ac.cy

For any information, please call 24694008.

TUTORS & ADMINISTRATORS



GUSTAVO LABORDE

Gustavo Laborde has practised international arbitration for over ten years in New York, Geneva, and Paris. He has worked for world-leading law firms and arbitrators in all these jurisdictions. He acts as both counsel and arbitrator. Whether as counsel, arbitrator or tribunal secretary, Gustavo has been involved in over 40 international arbitrations featuring a wide array of seats, applicable laws, and industries. He has represented States, state-owned companies, and multinational companies. He practises commercial and investment arbitration. He studied law at Columbia Law School, in New York (LL.M. and J.D.); at the Graduate Institute of International Studies, in Geneva, Switzerland (LL.M.); and at Universidad Di Tella, in Argentina (LL.B.). Gustavo speaks English, French, Spanish, Italian, and some German and Russian. He is qualified to practise law in New York, Buenos Aires, and Paris.



YULIA POLYAKINA

In 2011, Yulia obtained her Master's degree in International Business Law from the University of Montpellier in France, coupled with an exchange semester at the University of Florida. During her studies, Yulia quickly developed a passion for alternative dispute resolution in an international context. In 2012, she became a member of the Paris Bar, and joined the firm White & Case LLP as an international arbitration associate. At White & Case, Yulia worked on high profile cases in complex industries (such as nuclear, gas and construction) and in different types of national laws. After four years with the firm, Yulia started her own practice. Working independently, Yulia advises on French business law issues, and acts as tribunal secretary in commercial international arbitrations. In her role as tribunal secretary, Yulia assists the arbitrators with the arbitral procedure (such as correspondence with the parties and the arbitration institution, and procedural orders), legal research and award drafting. In addition to her law degree, Yulia also has a diploma in Business Studies. This contributes to her understanding of how businesses operate, and what are their goals, constraints and concerns. Coming from an international background, Yulia is fluent in English, Russian and French languages, which in large part supports her career in international arbitration.



NICOS ELIA

As a highly-motivated, commercially minded and results orientated claims consultant and dispute resolution professional within the construction and engineering industries, he has a proven track record of providing exemplary levels of service to major stakeholders, including contractors, subcontractors, employers, public and semi government bodies. During his 28 years of experience, he worked as a Quantity Surveyor, Claims Management Consultant, Lawyer representing Contractors and Employers in court and in arbitration proceedings. He has acted as an Expert Witness, an Arbitrator and Dispute Adjudication Board (DAB) on major construction and Engineering disputes. He has over 1000 hours of experience as a trainer of construction professionals on matters relating to construction law, contract administration, claims preparation and dispute resolution. His progressive career roles within the construction and engineering industry enabled him to gain an all-round experience and a detailed understanding of all facets of the dispute resolution process.

TUTORS & ADMINISTRATORS



DR. NEVI AGAPIOU

(ADMINISTRATOR)

Dr. Nevi Agapiou holds a PhD, an LLM in International Commercial Law and an LLB (Hons) from the University of Leicester, UK. She also holds a Postgraduate Diploma in Professional and Legal Skills from the Inns of Court School of Law (now the City Law School, London, UK) after successfully completing the Bar Vocational Course (now the Bar Professional Training Course). Nevi was called to the Bar in England and Wales (Lincoln's Inn) and later qualified as an Advocate in Cyprus practising law before turning to academia. Nevi's research interests lie in the areas of international commercial law, in particular international sale of goods and alternative dispute resolution methods. She is also particularly interested and conducts research in English Contract, Commercial and Consumer law as well as Comparative law. She teaches all of the aforementioned subjects on the LLB and LLM programmes of the University of Central Lancashire Cyprus where she is a Lecturer of International Commercial Law and Dispute Resolution in the School of Law. She has presented her work in academic and professional conferences in the UK and is the coach of the UCLan Cyprus team competing in the annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria where she also acts as Arbitrator. Nevi is also a member of the Executive Committee of the Cyprus Chapter of the European Court of Arbitration and the Secretary of the non-profit organisation ICLAIM (Interdisciplinary Centre for Law, Alternative and Innovative Methods), which is used as a social enterprise vehicle for social and community projects having an impact on the society (see www.iclaimcentre.org). Through ICLAIM, Nevi has been able to focus on EU and Cyprus Consumer Law not only in terms of research but through an innovative and enterprising project which in May 2018 saw ICLAIM become an ADR Entity for Consumer Disputes approved by the Cyprus Consumer Protection Authority under section 22 of the Alternative Dispute Resolution for Consumer Disputes Law of 2017 (L.85(I)/2017) which transposed Directive 2013/11/EU into the national legal order of Cyprus.



DR. DESPINA CHRISTOFI

(ADMINISTRATOR)

Dr. Despina Christofi is a Lecturer in International Commercial Arbitration and Investment Law in UCLan Cyprus. She holds a PhD in Law (University of Central Lancashire, 2018), an LLM in International Commercial Law (University of Glasgow, 2014) and an LLB (Hons) (University of Leicester, 2013). Her research interests evolve around EU economic and financial governance in times of crisis, European Banking Union, banking supervision and regulation, harmonization of Private International law in the EU, Alternative Dispute Resolution methods and International Investment Arbitration. During 2014-2017, she was a Research Assistant, Jean Monnet Module running at the Law School of UCLan Cyprus, 'The Law of Financial and Economic Governance in the EU' (FecoGov). Her PhD obtained in 2018 examined the protection of bank depositors, based on the concept of effectiveness, comparatively by litigation and through arbitration in the EU legal regime in the context of the financial crisis. Among the modules she teaches on the LLB and LLM are Private International Law, International Commercial Litigation, International Commercial Arbitration, International Commercial Mediation, Contract Law, Tort Law and Commercial Law. In September 2018, she successfully completed the UCLan Civil and Commercial Mediation training Course, which is a registered Civil/ Commercial Mediation Training Course (CMC). Furthermore, she is a Lecturer and Administrator of the Professional Courses at UCLan Cyprus (2015-18), Arbitration module: Associate Arbitrator level and Arbitrator level, focusing on domestic and international commercial arbitration. Finally, she has been actively involved in giving expert legal opinions in EU financial crisis law and banking law for Cypriot law firms and legal.



ANDY SPHICAS

He started working as an Engineer in 1977 and in the years to come, he worked his way up the hierarchy of the company, which is considered one of the top 40 construction companies in the world. In 1991 – 1992, he was General Manager of a company in Botswana, between 2002 – 2005 he was Technical Manager of another contracting company and since the beginning of 2006 he is a Consultant on Construction Contracts and he undertakes project management and financial evaluation.

Through his work as Project Engineer, Senior Project Engineer, Project Manager and Senior Project Manager with large companies, on large and complex projects of diverse nature, for big clients and leading consultants, in multi-cultural societies and diversified environments, he has gained valuable experience in and knowledge of the construction work, the construction business and the construction world in general.

He participates actively in the Disciplinary Committee of the Technical Chamber of Cyprus and in the work of the Chamber in general. As an accredited mediator with the Chartered Institute of Arbitrators, he is registered with the Greek ministry of justice as interstate Mediator. Since 2001 he has been a lecturer in training programs on Dispute Resolution and Arbitration, Programming Construction Works, Project Management, Claims for Time, Direct Loss and/ or Expenses, Project Estimating and Tendering, Contract Law, Effective Letter-writing in Construction etc, all of which are approved by the Human Resource Development Authority of Cyprus. Finally, so far he has been appointed as arbitrator in about 65 disputes between Employers and Contractors, Contractors and Sub-Contractors and Employers and Consultants.