

Module 3 – Evidence and Award Writing

International Arbitration

September to December 2023



2023 VIRTUAL TRAINING PROGRAMME COURSE INFORMATION SHEET

What is the aim of the course?

The course is aimed at providing candidates with the knowledge required to understand and consider evidence, to weigh it up and analyse submissions to arrive at a conclusion and to write a final, reasoned and enforceable arbitration award in compliance with the United Nations Commission on International Trade Law (UNCITRAL) Model Law, regional arbitration law and the UNCITRAL Arbitration Rules.

The course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable award.

It is therefore valuable for anyone wishing to understand the processes involved in award writing. It is an essential requirement for qualification as a Fellow of the Chartered Institute of Arbitrators (Ciarb) and for those who aim to practice as international arbitrators. Ciarb membership provides a world-class qualification demonstrating excellence in ADR. Becoming a Fellow demonstrates completion of Ciarb's world-renowned training programme.

What is covered within the syllabus?

Through private study and virtual lectures and tutorials, candidates will learn and gain knowledge of:

- The purpose and types of evidence
- The rules of evidence in arbitration
- Assessing evidence
- The burden and standard of proof in evidence
- Privilege and disclosure in evidence
- The types and treatment of witness evidence
- The purpose and requirements of the award
- The identification of issues, reasoning and decision-making in the award
- The structure, form and publishing of the award

What are the learning outcomes?

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

- Recognise and evaluate evidence
- Distil issues from the parties' submissions
- Order and deal with all the issues referred
- Decide matters in dispute logically and in accordance with the law
- Structure the award
- Write the discursive and operative parts of the award
- Allocate arbitrator's fees and expenses
- Deal with the parties' costs and interest
- Demonstrate compliance with the legal and other requirements for an enforceable award

What are the entry requirements?

The entry requirements are successful completion of the assessments in (i) Ciarb Module 1 – Law, Practice and Procedure of International Arbitration OR Ciarb Accelerated Route to Membership in International Arbitration AND (ii) Ciarb Module 2 – Laws of Obligations OR Ciarb Exemption Test for Module 2.

In addition, all candidates who have not previously received training in the Pathways programme will be required to have a minimum of five years' professional workplace experience as, for example, a lawyer, surveyor, accountant, insurer, shipbroker or similar. This experience must involve communicating with others, problem-solving, managing workloads effectively, decision-making and the exercise of judgement.

Training and assessment are carried out in English. It is therefore essential that candidates are proficient in both written and spoken English.

What is the enrolment process?

To enrol on the course, submit the completed Registration Form, along with evidence to support the aforementioned entry requirements, to the Course Administrator at info@ciarbcaribbean.org **NO LATER THAN 18 AUGUST 2023**. Upon successful registration on the course, candidates will receive confirmation that they are provisionally booked on the course, subject to full payment of the course fee, and instructions on how to pay the fee by wire transfer to the Ciarb Caribbean Branch London Bank Account. **Wire transfer is the only method of payment.**

Upon payment of the fee, registration will be confirmed. Candidates will receive joining instructions, course materials and the course schedule by email but not earlier than the above closing date for registration.

What is the course fee and what does it include?

The course fee is US\$1,200.00 or its equivalent in GB£ at the time of invoicing. The fee includes registration, study materials, access to virtual classrooms, tuition and assessment.

How is the course delivered?

The course is delivered over a period of three months with a combination of private study and virtual lectures and tutorials. Private study includes reading course materials and undertaking self-assessment tasks in the candidates' own time. Virtual lectures and tutorials involve the candidates attending nine half-day virtual classrooms via the Zoom online platform on select Saturdays between 2 September and 18 November 2023 starting at 9:00 am (Eastern Caribbean Time). A password-protected recording of each lecture will be placed on the Branch's website for the candidates' use.

How will candidates be assessed?

Candidates will be assessed on the basis of a post-course written award assignment which is split into two stages:

- Stage I consists of the papers in the case. They are sufficient to enable the candidates to grasp the nature of the case study exercise and the likely legal problems. Most of the documents are extracts only. Candidates should consider the recitals they intend to include and the relevant law.
- Stage II is equivalent to the hearing stage and includes an extract from the arbitrator's notebook. This records the oral evidence and arguments the arbitrator has heard, as well as any other relevant documents. From the evidence, candidates must make their findings of fact and write their award. It must be a final award as regards the issues decided.

Candidates will have 48 hours to complete this assignment within a 5-day window period starting 1 December 2023 and to submit their award online via LearnADR, Ciarb's online learning platform. Prior to the start date of the assessment period candidates will receive an email with their username and password. Stage I will be sent via email 10 days before the start of the assessment date. Stage II will be made available via LearnADR from the assessment start date. Candidates must achieve a minimum mark of 70% in Parts A and B and overall to pass this course. Part A focuses on the technical merit and counts as 40% towards the overall mark, Part B focuses on the judicial merit and counts as 60% towards the overall mark. Results are made available to candidates normally twelve weeks from the deadline date of the submission of the assignment but may be delayed.

On successful completion, candidates will be awarded a Diploma and will be eligible to apply for Fellow grade membership of Ciarb and take advantage of a range of educational and professional benefits.

What is Ciarb's policy on cancellation?

Ciarb reserves the right to cancel the course or change the tutors or the dates or the content of the programme. Candidates will be provided with adequate notice of any cancellation or changes. If Ciarb cancels the course, candidates will be provided with a full refund of any fees paid or the opportunity to transfer their registration to the next course if available. Should a candidate wish to cancel his or her confirmed registration of a course, notification must be received by email, prior to the start of the course, to info@ciarbcaribbean.org. Cancellation charges will apply.