

DISPUTE RESOLUTION LUNCH 2015

10 June, in the Large Pension Room,
The Hon Society of Gray's Inn

Aldermen, Warden and Liverymen, Distinguished Guests.

Welcome to this the third now annual Dispute Resolution Lunch organised by the Worshipful Company of Arbitrators. The first two lunches were advertised as celebrating “Private” dispute resolution; but it is increasingly doubtful that this qualification is either relevant or accurate. It is less relevant because London increasingly offers both Private and Public dispute Resolution to our overseas customers—who come to London because of the quality and value of Arbitration and ADR services AND because some customers prefer the alternative High Court service available to everyone who submits to the jurisdiction, for whatever reason. London as a centre of legal expertise is second to none and our lawyers, typically, are indifferent to their client’s choice of forum. The epithet “private” is also increasingly inaccurate even in arbitration. Our Australian cousins have, typically, blazed a trail in breaching the once axiomatic privacy of commercial arbitration; and in the growing field of Investment Arbitration, Awards and more are regularly published on the Web and have spawned a whole new area of academic study and scholarship. So let us just settle for Dispute Resolution.

Welcome also to Gray’s Inn which is not only my Alma Mater and a very agreeable venue, but gives us a glimpse of what livery companies were like in their hay day-- a body still charged with managing a living profession and grappling with the issues of the day such as securing a living wage for struggling young barristers, as well as struggling old ones. Interestingly, in the 17th century London had around 36 legal Inns providing for different

specialisms, compartmented to around 50 other livery companies. Unlike the other livery companies, which have grown in number, the legal Inns got caught up in legal reforms which saw the 36 reduced to the present 4 Inns of Court, while other new fangled bodies such as the Law Society for Solicitors sprang up to replace the old Inns. There may be a lesson for us all there.

The purpose of this lunch is to bring together representatives and members of the many separate UK Dispute Resolution bodies, most of which are based in or have offices in London. We know that all these bodies exist but most of us work in our own corner of what is today a very large and financially important industry. Last year the DR Lunch was held at Mansion House, a fine occasion presided over by my predecessor Dr Derek Ross, which unfortunately I was unable to attend as I was arbitrating abroad. But the power of the web is such that I was able to look up and read Derek's speech, to find that in my absence he had allotted me the task of collating all the differing views of those who did attend, a task that still awaits fulfilment. However, this year I suggest a more modest task is appropriate—that is, to make you all aware of the existence of the many other DR bodies on our doorstep and to promote relevant dialogue between bodies which have common interests and which can learn from each other's expertise.

Let me give you just one example of what I propose. In February this year, though personal contact between senior representatives of both bodies, the Worshipful Company of Arbitrators and The Academy of Experts organised a joint seminar on issues of common interest, open to members of both organisations and kindly hosted by the City Law Firm Eversheds, who also provided one of the five speakers. The event was chaired by Lord Saville, President of TAE and myself as Master of the Company, and the outcome was some significant presentations exploring common issues from the differing

viewpoints of the Expert and the Tribunal. All agreed that it was a venture well worth repeating.

So let me now suggest that there are lots more suitable pairings between the different organisations represented here today. And let me invite you all--- after you have exchanged business cards--- to come up with your own suggestions for joint seminars on topics of common interest where each body has a different perspective. And let me give some examples----there are at least five bodies represented here who have different interests in Mediation--- ADR Group, the Bar Council ADR, Resolex, CEDR and Civil Mediation House—and that becomes six if JAMS is included. I am confident that any 2, 3 or 4 of you would be welcomed by one of the City Law Firms, should you invite them to host a joint seminar aimed at learning from each other as well as enlightening the punters.

As well as bodies devoted to particular forms of DR we have representatives of the professions and trades who organise their own DR procedures. These include the RIBA (architects), Arbrix (Surveyors), the LMAA (Maritime) and ARIAS (Insurance)—to which I should add some who cannot be present such as the ICE (Engineers) and GAFTA (Grain and Feed). Here is a wealth of experience and diversity from which others can learn valuable lessons

Now in case you are wondering what gives the Worshipful Company the authority to tell the rest of the Dispute Resolution Industry how it should organise its CPD, let me remind you that our Royal Charter includes as one of our Principal Object to “*foster the profession of arbitration and other forms of private dispute resolution and to afford means of professional and social intercourse and the exchange of information*” between members of the Chartered Institute of Arbitrators (one of our founding sponsors) and other

professional bodies with interests in dispute resolution. So while we are all aware of this rich variety of DR bodies within our professions, the Worshipful Company is charged and empowered with the promotion of dialogue and exchange of information and ideas.

So that is why you are invited here as the Guests of the WCA. You are all most welcome and I now ask members of the Company to rise and toast THE GUESTS

Now the last DR Lunch, which I have already mentioned, was hosted by the Lord Mayor for 2014, now Dame Fiona Woolf, who is also one of our Liverymen. Fiona enjoyed a glittering year as Lord Mayor and, as if that were not enough, I have it on good authority that within the next week she is to be installed as Master of the City of London Solicitor's Company. She continues with her day job as a partner of Cameron McKenna specialising in Energy Law and electricity reforms including international arbitration and ADR. So there could be no-one with a better insight into the workings of the City and the Mayoralty in relation to DR and its place within the City of London. So it gives me great pleasure to invite Dame Fiona to address us.