

Course Information

Applied Arbitration for Fellows – 17 & 18 June 2023

What is the aim of the programme?

The course is for Fellows of the Ciarb who have not yet had practical experience of being an arbitrator and who wish to develop their skills and knowledge in a realistic simulation of an arbitration proceeding, under the guidance of highly experienced and respected arbitration practitioners.

What are the learning outcomes?

Candidates will practise the role of arbitrator using realistic documentation and interacting with counsel and witnesses. Through active engagement with the course, participants will develop their knowledge, skills and confidence to:

- Plan and manage arbitration proceedings effectively.
- Interpret and give effect to procedural orders, applicable arbitral rules and guidelines.
- Identify and address common procedural and ad hoc problems.
- Engage effectively with participants in an arbitration to enable effective and compliant contributions to the process.

How is the programme delivered?

The course will be delivered in person at the H Hotel, Dubai, with the course material shared ahead of and during the simulated proceedings.

The course will be delivered by the following tutors:

Course Directors	Chartered Arbitrators	Counsel
Marion Smith KC ¹ Philip Punwar	Victor Leginsky Zeina Obeid ² Michael Tonkin ³ Anja Bolz Robert Sliwinski ⁴	Antonia Birt Julian Cohen Slava Kiryushin Nesreen Osman

¹ Ciarb Chair of Board of Trustees

² UAE Branch Committee Member

³ UAE Branch Committee Member

⁴ UAE Branch Chair

What are the entry requirements?

Candidates must:

- Be a Fellow of the Ciarb.
- Preference will be given to Fellows who have not already been appointed as an arbitrator.
- Be willing to assist with the evaluation of the course by providing open feedback during a session on the final day of the programme.

What is the programme fee and what does it include?

The programme fee is AED10,000 which includes all course material, a completion certificate, tea / coffee at the breaks, lunches, and dinner on first day of the course.

What happens when I apply for the programme?

All applications should be submitted no later than 12 May 2023 and the Ciarb will provide confirmation of receipt of the application. Once your place is confirmed (which will be within 7 days thereafter) you will be requested to make payment of the full course fee within 7 days. Following payment, the course material will be issued circa 1 June 2023 along with contact details for all Fellows who will be attending the programme. The course is limited to a maximum of 12 Fellows.

How to apply for this course?

Please submit your application for the course to ciarb.mjtonkin@hotmail.com.

Your application should confirm that you comply with the entry requirements set out above and should also provide a statement of no more than 250 words as to why you would like to attend this course.

What is Ciarb's policy on cancellation of courses?

Cancellation of the Applied Arbitrators for Fellows course must be made in writing to ciarb.mjtonkin@hotmail.com.

The below cancellation charges will apply to any cancellation:

- If a registration is cancelled within 21 days of the course commencing, 100% of the course fee will be payable.
- If a registration is cancelled before 21 days of the course commencing, 50% of the course or assessment fee will be payable.

Where the Ciarb cancels the course, candidates will be provided with a full refund.

Ciarb reserves the right to amend the programme at any stage.

Programme

Date / Time	Preliminary and procedural meetings
Saturday 17th June	
8.45 am	Introduction plenary
9.00 am	Preliminary Meeting before a panel of three Chartered Arbitrators demonstration
9.45 am	Chartered Arbitrators' deliberations demonstration
10.00 am	COFFEE
10.20 am	FCIArbs' pre-meeting
10.35 am	Preliminary Meeting FCIArbs role play
11.35 am	FCIArb's deliberations and Directions of the Tribunal in public role play
11.50 pm	FCIArbs' pre-meeting
12.05 pm	Procedural Meeting - Challenge to the Jurisdiction of the Tribunal FCIArbs' role play
12.50 pm	FCIArbs' deliberations and Ruling of the Tribunal in public role play
1.00 pm	LUNCH
2.00 pm	Debrief plenary
2.30 pm	FCIArbs' pre-meeting
2.45 pm	FCIArbs' Procedural Meeting on factual/expert witness timetabling/hearing programme to include deliberations and Rulings in Public role play
3.30 pm	FCIArbs' deliberations and Ruling of the Tribunal role play
3.45 pm	FCIArbs' pre-meeting
4.00 pm	Pre-Hearing Application - disclosure/hearing bundles/postponement of Hearing FCIArbs' role play
4.45 pm	FCIArbs' deliberations and Ruling of the Tribunal role play
4.45 pm	COFFEE
5.15pm	Debrief, how was it for you? Setting the agenda for the first in depth review on Sunday morning plenary
5.45 pm	FCIArb's Prepare Procedural Order 1
6.45 pm	FCIArb's Submit Procedural Order 1
7.30 pm	DINNER
Sunday 18th June	
9.00 am	Reflection / Q&A on day 1 plenary
9.30 am	Discussion on Procedural Orders plenary
10.00 am	COFFEE
10.30 am	FCIArbs' pre-meeting
10.45 am	Opening speeches at the Evidentiary Hearing, to the FCIArbs role play
11.30 am	FCIArbs' pre-meeting
11.45 am	Witness evidence - at the Evidentiary Hearing, to the FCIArbs Tribunal - role play
1.00 pm	LUNCH
2.30 pm	Discussion on assessing and awarding costs based on the experiences of the two days of training plenary
3.30 pm	Reflection/Q&A plenary
4.30 pm	Feedback and evaluation (mandatory)
6.00 pm or earlier	CLOSE

What previous participants had to say

"Always delivered with flair and good humour, I found the Applied Arbitration Course for Fellows to be both rigorous and immersive, giving me an authentic arbitration experience that far exceeded my expectations. I was particularly impressed by the careful efforts made by the training team to tailor the tuition and feedback that suited each student's individual experience and needs. Also most helpful was the access I had to experienced practising arbitrators, enabling me to develop an arbitration network. I thoroughly recommend this exceptional course to anyone seeking to advance themselves in the world of international arbitration."

"The Applied Arbitration course provides a rare opportunity to deal with practical issues in arbitration as a sitting arbitrator. This type of experience is invaluable and an excellent next step and complement to the theoretical training that Fellows would have already received."

For future FCIArb participants

"One thing I wish I had known before the course is the importance of collaboration with your tribunal team members. I would have found time to get to know my fellow tribunal team members before the first session as then collective decision making would have been more effective throughout."

"One thing I wish I had known [was to] Focus on the practical training, this is the real value of the course. The theoretical points that come up are interesting and useful but can always be researched and learned separately, there is no way to replicate the practical experience of sitting as an arbitrator."



Marion Smith KC has more than 30 years' experience as an arbitrator, adjudicator and advocate in complex international disputes. She has particular expertise in construction, technology and energy matters but has handled disputes across a wide range of industry sectors, legal issues and geographical regions. She is regularly appointed as arbitrator by commercial parties, as well as sole arbitrator and chair of tribunals by the major institutions. She has been named in various distinguished practitioners' lists throughout her professional career. She serves on the Bar Council of England & Wales, the Inter-Pacific Bar Association and the Chartered Institute of Arbitrators where she is currently Chair of the Board of Trustees.



Philip Punwar is an English qualified practitioner with more than twenty-five years' arbitration experience. He has been resident in Dubai since 2005. Philip has represented clients before most major arbitral institutions, as well as in ad hoc proceedings. His recent arbitral engagements have concerned real-estate Mega Projects in the Gulf, investment treaty claims arising out of the MENA and South Asia regions, aircraft charter agreements, concession agreements in the water sector and technology disputes in the finance and healthcare sectors. Philip has acted as sole, party nominated and presiding arbitrator in ad hoc, ICC, DIAC and LCIA arbitrations seated in the Middle East and Europe. He is a member of the Abu Dhabi Global Markets (ADGM) Panel of Arbitrators and the International Panel of the Arbitration Foundation of Southern Africa (AFSA). Philip was born in the English County of Kent and called to the Bar of England & Wales in 1989. He was elected an Honorary Overseas Member of COMBAR in 2010 and a Master of the Bench of the Inner Temple in 2013. In addition to being a practising Barrister, Philip is a Chartered Arbitrator (CI Arb, 2001) and an Accredited Mediator (CEDR, 2010). He is an Inner Temple Advocacy Trainer and the former DIFC Courts' Director of Advocacy Training. Philip has been a member of Outer Temple Chambers since October 2022. Prior to returning to independent practice as a Barrister, he was a Partner in the International Disputes Group at Baker Botts LLP (2013-2022) and the International Arbitration Group at Fulbright & Jaworski LLP/Norton Rose Fulbright US LLP (2009-2013).



Michael Tonkin BSc DipArb DipICIArb FRICS FCI Arb FCI OB FDBF MAE CARb is a Chartered Quantity Surveyor, Chartered Arbitrator, CEDR Accredited Mediator, RICS Accredited Expert Witness and testifying Expert Witness in quantum with 30 years of experience in the construction industry. He leads HKA's Expert Services practice for the Middle East, Asia & Africa. Michael has been appointed as Arbitrator on more than 60 occasions (as sole Arbitrator, Chairman of a tribunal of three, and Co-Arbitrator) under the auspices of ICC, LCIA, DIAC, ADCCAC and the TAI. He is a listed panel member for the following arbitral institutions: DIAC, LCIA, ADCCAC, ADGM, QICCA, CIarb, RICS President's Panel, HKIAC, SIAC, KCAB, KLRCA, EMAC and TAI. He also acts as dispute resolver in other ADR such as adjudication and DAB's and is a member of the DRBF. Michael is an "Arbitrator"

Member of the Society of Construction Arbitrators and the current Honorary Treasurer. He is the current Honorary Secretary of the Chartered Institute of Arbitrators having previously been a Trustee and Honorary Treasurer, as well as a past Chairman and past Vice Chairman of the UAE Branch. Michael is a committee member of the Academy of Experts. He acts as an expert witness in quantum (testified 11 times) and has been instructed around forty times as a party appointed Expert Witness, a single joint Expert Witness and a Third Party Expert Evaluator on disputes up to US\$4bn in value. He has given oral testimony in traditional cross-examination as well as concurrent evidence/hot-tubbing. Michael often acts as "Coordinating Expert" across several disciplines of expert. He is named in Who's Who Legal (WWL) Global Leader – Construction Expert Witness 2020.



Dr. Zeina Obeid is a Partner at Obeid & Partners, where she practices in the litigation & Arbitration department. She has acted as lead counsel in major international arbitration cases across the Middle East and North Africa region. She also acts as arbitrator and as an administrative secretary in several domestic and international arbitrations, both ad hoc and under international institutional arbitral rules, including those of the ICC, DIAC, LCIA, CRCICA, BCDR-AAA, and DIFC-LCIA. Zeina holds a PhD from the University Panthéon-Assas (Paris II) in France and an LLM from Columbia University in New York. She also holds a dual Master II in Business Law in the Arab Countries as well as in Arbitration & ADR obtained at the University Paris II and a Masters in Lebanese Law from the Lebanese University. She frequently publishes articles on various topics

notably in arbitration. In 2017, she published her book "Setting aside arbitral awards in the Arab Countries", which has been cited as a reference book for practitioners around the MENA region. She is a Fellow of the Chartered Institute of Arbitrators (CI Arb), accredited tutor and committee member of the CI Arb UAE branch member. She is also member of the ICC Commission on arbitration & ADR and member of the International Bar Association (IBA) where she holds the position of co-vice chair of the IBA Young Lawyer's Committee and has previously acted as the Middle Eastern representative of the IBA Anti-Corruption Committee. Zeina is qualified to practice law both in Beirut and Paris and licensed in Dubai by the Legal Affairs Department. Zeina is fluent in Arabic, English and French.



Antonia Birt, Partner, Reed Smith LLP, Dubai, acts as counsel and advocate in commercial and construction arbitrations for state, national and multi-national clients, with a focus on commercial, distribution, corporate, energy, oil and gas, infrastructure, and engineering disputes. She advises on the full cycle of complex, high-value disputes, from settlement negotiations, mediations, and other alternative dispute resolution methods, to formal dispute resolution proceedings and enforcement. Antonia has represented clients under the major arbitral rules, including the ICC, LCIA, DIFC-LCIA, DIAC, ADCCAC and UNCITRAL Rules. Antonia also acts as arbitrator, having previously sat as sole or co-arbitrator in ICC, DIFC-LCIA and DIAC arbitrations. Since 2019, Antonia teaches the International Arbitration Practicum to LLM students at the Pantheon Assas

University Paris II, UAE. She also acts as co-chair for both the Equal Representation in Arbitration Pledge MENA committee and the Campaign for Greener Arbitrations MENA committee. Antonia is a member of the IBA Commercial Arbitration Case Law Sub-Committee responsible for the UAE, having previously co-authored the original and updated editions of the IBA Guide on Arbitration, UAE law chapter. Antonia completed an LLM at the University of Cambridge, and is admitted as a Solicitor of England and Wales, Part I and II practitioner of the DIFC Courts, and a foreign practitioner in Dubai, having been based in Dubai for over 12 years.



Julian Cohen is a Barrister and Arbitrator specialising in construction, engineering and energy disputes. He has been active in the MENA region since 2009, and extensive experience of heavy weight disputes throughout the region both arbitrator and as counsel. He has been involved with disputes involving: Dubai, Abu Dhabi, Oman, Qatar, Kuwait, Saudi Arabia, Yemen, Iran, Sierra Leone, Mali, Benin, Egypt, Ethiopia, and Turkey. He is ranked by legal directories as being one of Hong Kong's leading construction counsel (Doyle's Guide and The Legal 500) and top arbitration practitioner (Who's Who Legal: China and Hong Kong) and commercial disputes counsel (The Legal 500). Following the end of the pandemic, Julian has renewed his longstanding commitment to MENA and is physically in the region for a substantial period each month.

Sums in dispute in his arbitrations range from modest to upwards of USD 2 billion.



Slava Kiryushin is a Partner and the Global Co-Head of DWF's Infrastructure, Construction and Energy based in our Dubai office. He is a solicitor advocate who advises on dispute avoidance and resolution of energy, construction and infrastructure matters throughout the MENA region, with a particular specialism in EPC contracts related to oil and gas processing, refining and petrochemical infrastructure in the Middle East. Slava was previously General Counsel of Lukoil in the Middle East (owner / operator) focussing on dispute resolution relating to all of Lukoil's major oil & gas and EPC infrastructure projects with a combined value in excess of US\$2bn. The Association of Corporate Counsel nominated him and his team as the Global Litigation Team of the Year 2016. Slava has Part II appearance rights (restricted) to appear before the DIFC

courts, is a member of most international arbitration bodies and is a founding member of the DMCC Energy Club. He speaks at international conferences and serves as an arbitrator. Slava is also a certified PRINCE2 and PRINCE2 Agile project manager.



Nesreen Osman is a Partner at Pinsent Masons in Dubai specialising in construction and engineering disputes. Nesreen has practiced in the Middle East for 10 years and acts on behalf of employers, main contractors, subcontractors and consultants from various parts of the world including the GCC, Europe and Asia. She has extensive experience in complex, high value international arbitration in the infrastructure and energy sectors. Nesreen was ranked as a Next Generation Partner in the Legal 500 EMEA 2021 and 2022 rankings for UAE Construction. Nesreen also sits as an arbitrator and is a member of the Board of Directors of ArbitralWomen.



Victor Leginsky is a Chartered Arbitrator and a Fellow of the Chartered Institute of Arbitrators. He holds a JD (*Juris Doctor*) degree and a B.Ed. (Bachelor of Education), both from Canada. He has served as Arbitrator in well over 100 cases, a large proportion of which are high-value construction cases and conducts both institutional and *ad hoc* arbitrations. He is certified as a mediator through the Centre for Effective Dispute Resolution (London) [CEDR] and works frequently in respect of mediation with the Royal Institution of Chartered Surveyors (London) [RICS] and the Chartered Institute of Arbitrators. He conducts mediation including construction-related mediations. He confines his practice to that of a neutral (arbitrator / mediator), largely in construction and energy-related disputes. He is a past MENA Chapter Director of the Association of International Energy Negotiators (AIEN). Victor is resident of and has been working in the

Middle East for about 16 years. He is Regional Pathway Leader for the Chartered Institute of Arbitrators (CI Arb) and tutors Award Writing amongst other courses. He lectures frequently on dispute resolution in construction, oil and gas and general dispute resolution matters.



Anja Bolz is an independent arbitrator and accredited mediator based in the United Arab Emirates. She is a UK qualified lawyer and a German national who is fluent in five languages. She has extensive experience of both civil and common law jurisdictions and has an in-depth understanding of the legal systems of the MENA/GCC region. Holding both a BA and an MA from Cambridge University Anja is also a postgraduate in European Business from Cranfield University and holds postgraduate degrees in Law from the University of Law in London. Anja trained and worked with City Magic Circle firm HoganLovells for a decade before spending the last 17 years in the UAE and GCC/MENA as Group Counsel for a leading Emirati business family. Anja set up an independent ADR practice in 2001. Anja works with leading regional and international law firms on corporate, commercial, real estate, shareholder, and construction disputes. She is regularly

appointed by both institutes and parties and is a Panel Arbitrator at the Dubai International Arbitration Centre (DIAC); the International Chamber of Commerce UAE (ICC); the Abu Dhabi ADGM Arbitration Centre (ADGMAC); the Abu Dhabi Commercial Conciliation and Arbitration Centre (ADCCAC); the London Court of International Arbitration (LCIA); the Asian Institute of Alternative Dispute Resolution (AIADR) and the Saudi Centre for Commercial Arbitration (SCCA) and is a List Arbitrator with the Hong Kong International Arbitration Centre (HKIAC). She is on the Arbitrator Roster at Wasel & Wasel Arbitration Services Canada and was recently awarded Chartered Arbitrator status by the CIARB.



Robert A Sliwinski is a Barrister, Chartered Arbitrator, Mediator and Dispute Board Member with 35+ years' experience of the construction and engineering industries. Robert initially qualified as a Chartered Quantity Surveyor before qualifying as a practising Barrister. Having worked in many different arenas around the world, as both counsel and dispute resolver, he is able to provide a unique view of the worldwide ADR arena today. Robert is based in Dubai and London, acting as Independent Legal Counsel representing clients in both domestic and international disputes. Through ArbDB Chambers in London Robert acts as Arbitrator, Mediator, Adjudicator and Dispute Board

Member. He has been involved in wide range of commercial and contractual disputes within the fields of construction, civil engineering, process plant, etc as well as general commercial disputes. Robert is the current Chair of the UAE branch of the Chartered Institute of Arbitrators and works hard to promote all forms of ADR in the region.