

GLOBAL ARBITRATION REVIEW

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NEWS

School for advocates launched in Switzerland

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A multinational group has started a foundation to teach advocacy for international arbitration, it has been announced. The project is expected to interest lawyers from common law and civil law jurisdictions alike.

The Foundation for International Arbitration Advocacy will hold workshops run by common law advocacy instructors and international arbitration practitioners.

The workshops will feature mock arbitrations. Participants' performances will be video recorded for subsequent analysis by the experienced instructors.

The first two and a half day workshop, on questioning of fact witnesses, will take place in April 2008 at the Hotel Beau-Rivage in Lausanne. Another workshop, on expert witnesses, will follow in November, also in Switzerland. The foundation will consider other locations, in time.

The existence of the Foundation for International Arbitration Advocacy, or "FIAA", was announced by David Roney of Schellenberg Wittmer at the International Bar Association's section of business law meeting, in Singapore. The foundation is backed by a board of trustees that includes Jan Paulsson, Pierre Tercier and four Global Arbitration Review editorial board members L Yves Fortier CC QC, Emmanuel Gaillard, Albert Jan van den Berg and David AR Williams QC.

Roney says the idea for the foundation grew from an internal advocacy programme he has run at Schellenberg Wittmer with help from Sheila Block, a senior litigation partner at the Canadian firm Torys LLP and James Seckinger, a law professor and advocacy instructor at the University of Notre Dame Law School in Indiana in the US. Roney's colleague at Schellenberg Wittmer, Gabrielle Kaufmann-Kohler, is the fourth founder.

"We believe there is a real need for FIAA," Roney says. "Lawyers from many jurisdictions - particularly civil law jurisdictions - are unaccustomed to examining witnesses and do not have access to advocacy training programmes."

In addition he says the foundation will be "a laboratory for adapting and refining traditional common law advocacy skills to meet the unique challenge[s] of advocacy in the context of international arbitration." It will focus on the fundamentals of good advocacy as well as skills specific to international arbitration such as witness conferencing - where several witnesses or experts are heard together, he says.

Stephen Jagusch of Allen & Overy LLP, a member of the foundation's executive committee, says, "The growth in use of international arbitration is outpacing the growth in the number of experienced counsel." He says that the foundation "should go a long way to educating counsel of all ages, experience and background about the essential skills required."

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Emmanuel Gaillard, of Shearman & Sterling LLP, who trained as a lawyer in the civil law tradition says, "Launching such a foundation is an important project for the arbitration community. I am extremely interested in the venture and will be pleased to participate."

Anthony Sinclair, a senior associate at Allen and Overy LLP, sees value in such a project. "The FIAA will fill a real gap that presently exists in the field of international arbitration," he says. "Conferences frequently deal with arbitral processes and law, but do little to equip practitioners with the soft skills involved in presenting your client's case in the most effective manner." Sinclair says that formal training may help reduce instances where counsel from different legal traditions have conflicting expectations of the process leading to delay. "The FIAA will raise the bar for arbitration practitioners, and may improve the whole dispute settlement process", he says.

Once it is operational, the foundation will announce further projects. One is expected to be a think tank to develop advocacy techniques.

Participants in the workshops will pay their own way for now, but the board hopes to introduce scholarships for lawyers from developing countries.

For more information on the foundation, visit its website at: www.fiaa.com.

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