



# The Worshipful Company of Arbitrators

[www.arbitratorscompany.org](http://www.arbitratorscompany.org)

## Summer 2007 Newsletter.

### THE MASTER'S LETTER

"We started to sign them in August".

Each of the 3,000 Dick Whittington Christmas Cards was inscribed

*From John and from Lesley*

John is the Lord Mayor of London: Lesley is the Lady Mayoress.

When at our Banquet in January the Lord Mayor spoke, it was his sixth speech that day – with six more to come on the morrow. The Lord Mayor has two speech writers. At the beginning of his year of office, the Lord Mayor gave them two or three paragraphs he had written, plus a few jokes that he was happy with the speech writers. It was then up to the speech writers to interleave appropriate phrases for Mayoral visits to China, Pakistan and then the Channel Islands

I had been briefed about the etiquette concerning our Banquet but not fully enough. As we all sat looking at our smoked salmon starters, the Lord Mayor gently nudged my arm. "We can't start till you do, Master – but if you don't like it just put your knife and fork on the plate – that'll be enough".



In the days after the meal came the letters of thanks, each – I was told this was essential – to be handwritten and sealed in separate envelopes. The Lord Mayor and the Lady Mayoress write separate letters. They always clear the day's backlog before they go to bed.

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The river Thames froze in 1564 – the Thames was wider then and somewhat cleaner. Global warming had not been invented. In that year, a Frost Fair was organised and an ox was roasted on the ice.

I never knew that every December this event was commemorated. At 11am on the 16<sup>th</sup> December 2006, Watermen's Cutters, in full livery, rowed from London Bridge to Millennium Bridge where they tossed oars – whatever that means – and landed at Bankside Pier.

The 16<sup>th</sup> December 2006 was cold and wet – suitable only for mad dogs and Englishmen. I kept warm elsewhere.

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Last March 22 intrepid souls went on the Company's visit to the Magic Circle.

"For my next trick can I have a volunteer from the front row?....Thank you, Sir.....Now I want you to take this piece of paper and this envelope.....That's fine.....Can you now recall the first animal you ever kept as a pet.....and its name.

Can you now write that down on the paper.....fold it in half and seal it in the envelope.....I'll now put the envelope on the table up here.

Think hard, Sir, of the animal.....visualise it.....Yes, I feel pricks.....I sense the colour brown.....Brown pricks.....No, brown spikes. You don't say. It wasn't a hedgehog was it?..... It was.....

Now his name.....I think it might have been something like Harry.....No, Henry. I'll now open your envelope just to check. Yes, Henry the hedgehog: how nice! Thank you.....Thank you all so much.

Now you, Sir perhaps you'd be good enough to take this piece of paper and this envelope.....

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## THE MASTER'S LETTER (CONTINUED)

The Dinner in York was a great success. The RH The Lord Mayor of York was our guest. She ranks No. 2 in the pecking order of Lord Mayors in the land, with only London to be bowed to.

As our guest had always been an Independent on the York Council I felt it safe during the Dinner to bemoan the Tory capture of the Winchester City Council – leading, as it has, to cuts in the grants to the Theatre Royal and to Meals on Wheels and to the selling off of historic properties.

The Mayor was not surprised. York is ruled by Labour. They were doing exactly the same in York.

*Plus la difference, plus c'est la meme chose.*

### E-mail Status – urgent

Would I like to contribute to the cost of sending to Windsor Castle a special birthday card for HRH? She's 81. Refusal makes one feel such a republican cad.

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Thank you for electing me for this year. Often it's very time-consuming, but its fun.

**Donald Valentine**  
The Master



**The main banquetting hall at Mansion House**

## THE BANQUET – MANSION HOUSE



**The Master, the Senior Warden and the Junior Warden and his wife, Jenny preparing to greet guests**



**The Lord Mayor entering the banquetting hall**



**The Right Honourable Sir Anthony Evans entering the banquetting hall**



## THE BANQUET – MANSION HOUSE,



**The Senior Warden partaking in the Loving Cup ceremony**



**The Lord Mayor accepting a cheque from the Company in support of his chosen charities**



**The Rt Honourable Sir Anthony Evans delivering his entertaining speech**

## SPRING LUNCHEON – INNOLDERS' HALL



**The Master greeting Sir Philip Otton**



**The Innholders' Hall**

## MANSION HOUSE - YORK



**David Ashton, the former Chairman of the London Branch of the Chartered Institute of Arbitrators protecting the Mayor of York's Cup (estimated value £950,000) following dinner**

## ADMISSIONS



**Apprentice Martin Dzediku** who was admitted as an Apprentice on 27<sup>th</sup> April 2007. Martin Dzediku is a Chartered Quantity Surveyor, a Fellow of the Chartered Institute of Arbitrators and Member of the Association of Project Management



**Freeman Murray Armes** who was admitted to the Freedom on 27<sup>th</sup> April 2007. Murray Armes is an architect with more than 25 years experience, sixteen of which have been running his own practice. Murray has an MSc in Construction Law, is a member of the Dispute Review Board Foundation and a Fellow of the Chartered Institute of Arbitrators. He is also a member of the Society of Construction Law and a committee member of the King's College Construction Law Association. Murray also acts as an Adjudicator.



**Freeman Stephen Bickford-Smith**, who was admitted to the Freedom on 27<sup>th</sup> April 2007. Stephen is a Barrister at Landmark Chambers. Stephen is recognised as a leading specialist in the law of party walls and easements, and as a business-minded property and construction advocate, arbitrator and legal author. Stephen is a Bencher of the Inner Temple, a Fellow of the Chartered Institute of Arbitrators, and a Registered Chartered Arbitrator. He is currently vice-chairman of the London Branch of the Chartered Institute of Arbitrators and a member of the CI Arb's FIMBRA and ABTA panels.



**Freeman Robin Orme**, who was admitted to the Freedom on 27<sup>th</sup> April 2007. Robin is a Chartered Architect and Chartered Arbitrator based in Sussex. He is the immediate past Chairman of the South East Branch of the Chartered Institute of Arbitrators and is a member of the RIBA President's Panel of Arbitrators and a construction Adjudicator on the panels of the RIBA, TeCSA, CIC and AICA.



## ADMISSIONS



**Ben Leach**, who was admitted to the Freedom on 27<sup>th</sup> April 2007. Ben is a Solicitor, a GAFTA and FOSFA Arbitrator and a Mediator. Ben specializes in Shipping, Commodities and Insurance and is a former member of the London Maritime Arbitrators' Association Supporting Members Committee, a former Committee Member of the City of London Law Society, Chairman of the City of London Law Society, former member of the Shipping and Aerospace Law sub committee and current secretary of the BMLA sub-committee on liens and mortgages.



**Freeman Graham Clark** who was admitted to the Freedom on who was admitted to the Freedom on 27<sup>th</sup> April 2007. Graham is the son of Past Master Clifford Clark. A long-standing Baltic Exchange member, Graham Clark has been an arbitrator for 14 years and is probably one of the busiest maritime arbitrators in London. In 1995 he became a GAFTA arbitrator and sits and now on their Contracts Committee. He is also a member of the London Court of Arbitration and a 'sole' arbitrator for the ICC in Paris.

## THE MAGIC CIRCLE

Led by the Master, 25 Arbitrators and friends set out to go to the Magic Circle on 28<sup>th</sup> of March and, hey presto, 27 arrived and we were promptly admitted. It really works that magic stuff. We started with a buffet round the corner at the Ibis Hotel, useful in keeping starvation away for the next three hours of delight.

The show is in two parts. To begin with a team of magicians come to small groups and play card tricks right in front of you. Find the lady you never will. Pieces of rope transform themselves form three to one and back again. Patter was brilliant. Dean bounced in, hair straight up and a sticker on the back of his coat., "I am returning this suit tomorrow. Someone stole my other one today." Then to the theatre for a short history of the magic Circle; so interesting, and after sandwiches and coffee in the Maskelyn and Devant Room, it was off to the show.

Tommy Copper's fez was in a show case, with brief notes by him of the jokes he intended to tell that night. One of the Magic Circle was a great friend and was wearing Tommy Cooper's cuff links, a pack of cards spread for showing to the punters; so moving.

More amusing patter introduced the three main acts.

The first magician described Derek Ross's school days to us. Derek had written some clues on a paper, twisted it into four and sealed it in an envelope. His teacher's nick name was Nancy. There it appeared written magically on a pad in front of all of us. Hardly surprising if your teacher really is called Nancy, but the name of the school was right also and other clues as well. How did he do it? Magic or a trick? Mind reading or was it down to the paper or the pen? – they were the magician's, I wonder. Sylvia can't wait for more magical revelations of Derek's sinful past.

Then a magician of the old school came on. White tie and tails. No patter at all, but the subtlest of facial expressions, moods changed silently from despair to joy when his green, red and white ties knitted themselves together.

The last act was so smooth I can't remember what it was about. His manner was that of a successful solicitor persuading you to change your will at your expense, clever patter accompanied cool tricks. This ended an evening of charm, humour and fun. Just the thing for your children to enjoy, not forgetting your own enjoyment as well.

If you do want to take a party to the Magic Circle for their xmas show, they do four performances, then ring the xmas box office from October 1<sup>st</sup> on 020 7387 2222. Get in early as the Master wants to book the entire theatre and I AM GOING FOR ROW 3.

See you there!

**Past Master Andrew Drysdale**

## COMPANY'S LIVERYMAN SITS on FINAL PANEL in INTERNATIONAL ARBITRATION MOOT



Liveryman and Court Assistant Hew Dundas sat on the Panel in the Final of the XIVth Willem C Vis Arbitration Moot in Vienna in April 2007. His co-arbitrator was Jingzhou Tao (Beijing) and the chairman was Professor Adrian Severin, a former Minister of Justice of Romania. 178 teams from law schools in 52 jurisdictions competed and over 600 arbitrators (including almost all the world's leading arbitrators, arbitration lawyers and academics) from at least as many countries heard the arguments; the overall standard was very high and the standard of the leading teams exceptional.

The creators of this extraordinary event were Professor Eric Bergsten and his colleagues at Pace University (White Plains, New York) where the late Willem C Vis taught; the legendary Professor Bergsten is a former Secretary-General of UNCITRAL and remains the indefatigable Director of the Vienna Moot; there is also a sibling Moot in Hong Kong (in 2007, 46 teams from 14 jurisdictions in only its 4<sup>th</sup> year) directed by the energetic Louise Barrington.

The goal of the Moot is to foster the study of both international commercial law and arbitration for resolution of international business disputes through their application to a concrete problem and thereby to train tomorrow's generation of leading lawyers in arbitration practice and procedure.

Prior to the Moot's oral stages, students work on a detailed and intricate case study (derived from a real case, this year relating to the supply of electrical fuseboards to a large-scale office development) for several months, submitting Memoranda for each of Claimant and Respondent, these for evaluation by an international panel. The applicable law is the UN Convention on the International Sale of Goods (CISG) and the ensuing arbitration takes place in a fictitious country whose *lex arbitri* is the UNCITRAL Model Law. The 2007 case study involved complex and subtle issues of jurisdiction of the tribunal, breach of contract and mitigation of damages and rotated around the Rules of the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania.

In the Moot's oral stages, each team argues the case before international panels of arbitrators, arguing twice as Claimant and twice as Respondent; the 32 highest-scoring teams then proceed to a knock-out phase, with the final hearing taking place before an international tribunal in the presence of an audience of nearly 1,500. The arbitration hearings are designed to reflect real-world arbitration proceedings as far as possible. All proceedings, written and oral, are in English; it was astonishing that none of the 2007 semi-finalist teams came from native English-speaking countries, a Moot first.

The Moot's focus is on participation and on the students; Professor Gabrielle Kaufmann-Kohler, former President of the Swiss Arbitration Association and a member of the Panel in the 2007 final in Hong Kong, has said:

"The Moot is an event of major importance. It is the place where the next arbitration generation is being raised and moulded - a place where you find the future practitioners, possibly even the stars of tomorrow. It is also a place where a true transnational culture of arbitration is being developed."

Hew Dundas commented to this Newsletter:

"One of the outstanding highlights of my professional year is to attend these two Moots and to witness the outstanding achievements of the participating students, particularly non-native English-speaking teams and those competing for the first time. I am indeed privileged to be associated with, and to have contributed to, such a truly inspiring event. In addition, I am profoundly honoured to have been appointed to the Final Panel in the presence of so many of the world's leaders in arbitration."

The 2007 Vienna Moot produced dramatic conclusions: first, in the final, Freiburg University prevailed over Zagreb on a controversial 2:1 split decision with many in the audience putting Zagreb ahead; second, Freiburg also won the awards for both Claimant and Respondent Memoranda, only the second time in history that one team had won the "Triple Crown".

The CI Arb is the principal sponsor of the Hong Kong Moot through its East Asia Branch (whose members contribute a great deal of time and effort) and is a sponsor of the Vienna Moot. While the Vienna Moot has a sufficiency of arbitrators, the Hong Kong Moot needs YOUR assistance (3<sup>rd</sup> to 9<sup>th</sup> March 2008); you can combine an exciting holiday by arbitrating in the Moot and thereby rendering invaluable support to these wonderful students. You do not have to be a practising arbitrator. For further details contact Hew at [dundas.energy@btinternet.com](mailto:dundas.energy@btinternet.com)

## THE YEOMAN OF THE COMPANY

The Company is launching its Yeoman Scheme this year to encourage students of arbitration and related subjects and other individuals to learn more about the Worshipful Company of Arbitrators. The scheme invites members to nominate individuals to join the Company for the limited 3 year period to learn about the Company from the inside.

We are delighted to invite you to send nominations to Assistant K Linnell at Brick Kiln Cottage, Avenue Road, Herriard, Hampshire RG25 2PR to enlarge the membership of the Company and encourage others to take part in its worthy activities. There have been suggestions that if we could muster sufficient Yeomen we could take part in some sponsored fund raising events. Do you have any ideas? If so please send them as well to Kay.



**The Master presenting Richard Kocher with his certificate for the best essay prize at Greenwich University**

## THE LONDON TRIATHLON

Assistant Matt Molloy is competing in this year's London Triathlon on 5 August 2007, which consists of a 1500m swim in the London Docks, followed by a 40KM bike ride and a 10KM run. Matt is participating in aid of three charities: The Company's Charitable Trust, the Worshipful Company of Surveyors' Charitable Trust and WellChild. If you would like to sponsor him then please contact him on [matt.molloy@mcms.co.uk](mailto:matt.molloy@mcms.co.uk) for further details or with your pledge.



## THE COMPANY SEEKS WAYS OF ENCOURAGING INVOLVEMENT OF ITS WIDER MEMBERSHIP

The Master, Wardens and Court of Assistants have always encouraged a wider membership of the Company than those in London and its immediate area.

This has resulted in a considerable body of Liverymen and Freemen who are not able to attend the Company's functions on a regular basis, if at all, for geographical reasons.

There are two main ways in which this problem could be addressed. The first would be to provide some means whereby on any occasion a member has travelled to London, arrangements can be made to meet other members of the Company. The second would be for an active liaison between members in a particular geographical locality.

At this time it is the first of these possibilities that is being investigated. One suggestion has been that arrangements could be made at relatively short notice for an informal event along the lines of the recent "Noggin and Natters". Another has been that it might be possible for members of the Company who are also members of other Livery Companies to invite, on suitable terms, those visiting London to the functions of other Livery Companies.

Please contact Chris Dancaaster on [christopher@dancaster.org](mailto:christopher@dancaster.org) with any comments, suggestions or expressions of interest.

## LYNN PAINTER-STAINERS PRIZE

Artists are invited to submit up to two original and recent non-sculptural works carried out in the last three years. Entries may be handed in to the FBA, 17 Carlton House Terrace, London SW1Y 5BQ on September 2 & 3 between 10am and 5pm. A first prize of £15,000 and an engraved gold medal will be awarded, along with five runner up prizes of £1,000 each and a young artist award of £2,500. Approximately 70 – 80 works will be selected to form an exhibition at Painter's Hall from 21 November to 1 December 2007. **To receive an application pack for the 2007 competition, please send an SAE to Lynn Painter-Stainers Prize PO Box 279, Esher, Surrey KT10 8YZ or visit [www.painter-stainer.org](http://www.painter-stainer.org)**



## CALL FOR MENTORS

The educational objectives of the Company are administered by our Charitable Trust, and one of the Trust's means of advancing education is through its Apprentice Scheme. The purpose of this Scheme is to provide financial assistance and mentoring support to students engaged in learning the skills of an arbitrator, or the skills of other types of ADR practitioner. The Scheme is intended for anyone below the grade of Chartered Arbitrator, who is attempting to attain that qualification, or something similar, and mentoring support, more so than financial assistance, is crucial to its successful operation.

As many of you are already well aware, financial assistance for Apprentices is available in the form of grants and/or interest-free loans, depending on circumstances, for the purchase of reference books, contributions towards course fees and examination costs, and such other costs as are properly incurred in the student's education. This financial assistance is of course funded by you, the Freemen and Liverymen of the Company, through your regular and generous contributions to the Charitable Trust, for which the Trustees are extremely grateful. However, not all applicants for Apprenticeship are in need of financial assistance, and those who are not generally apply simply for the mentoring support that the Scheme provides.

Successful applicants for Apprenticeship are each assigned a Mentor, who assists the student to set and achieve his or her educational and career goals as a dispute resolver, and is available to offer more general support and advice on related matters if requested to do so. It is of course up to the Apprentice to take the initiative in this relationship by seeking such guidance and advice as he or she may require from time to time, and by making quarterly reports of progress. Thus the Mentor's role is largely in response to the particular Student's need. It is however important that the Mentor's field of expertise and experience should be as close as possible to the Apprentice's field of study and proposed career path, and achieving an appropriate match can at times be difficult. This has highlighted our current need to widen the range of expertise within our existing pool of Mentors, and also increase the number of Members willing to act as Mentors to cater for a growing list of applicants for Apprenticeship, which is where you, the Members, come in.

We urgently need to identify experienced arbitrators, adjudicators and/or mediators from within the Company, whether practicing or retired, who are willing to act as Mentors on a pro-bono basis to assist and encourage our prospective Students. Mentoring fulfils one of the primary objectives of the Company, which is the sharing of information on arbitration and related forms of dispute resolution. So if the thought of giving a Student benefit of your arbitral and/or mediation skills and experience appeals to you, and if you would be willing to participate in this worthwhile and rewarding activity, I should be delighted to hear from you, either directly at [derek@layngross.com](mailto:derek@layngross.com), or via the Clerk.

**Assistant Derek Ross**  
**Chairman of Students**

## EVENTS

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|---------------------|---|
| <b>11 July</b>      | Court Meeting and Annual Service at St Mary-le-Bow and Supper at Painter's Hall   |
| <b>12 July</b>      | King's College Annual Conference and SCL Junior Boat Trip. The Conference takes place in the afternoon, followed by drinks. Those that wish to attend the Boat Trip can leave the drinks and take a five minute walk to Temple Pier in order to catch the boat. |
| <b>27 September</b> | Recruitment evening at International Dispute Resolution Centre, Fleet Street, EC4   |
| <b>1 October</b>    | Election of Lord Mayor at Guildhall   |
| <b>31 October</b>   | Court Meeting, Common Hall & Installation Dinner at Tallow Chandlers' Hall  |

### **"Noggin & Natter" Dates**

The first Tuesday of October and December, namely **2 October – 4 December**, 5.30pm at 'Truckles'

## CLERK'S CONTACT DETAILS

The Clerk, 13 Hall Gardens, Colney Heath, St Albans, HERTS, AL4 0QF.  
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