



The Worshipful Company of Arbitrators

www.arbitratorscompany.org

Winter 2008 Newsletter

THE NEW MASTER

Our new Master, John Rushton, was born just after the half-way mark of the last century in Southport, Merseyside. He was educated at Uppingham School, his peer group ranging from the cooking guru, Rick Stein, to the former Health Minister, Stephen Dorrell. On leaving school he was a volunteer at Starehe Boys' Centre in Nairobi, which had been set up as a refuge for poor children in the wake of the Mau Mau rebellion and is now one of the premier schools in Kenya. On returning to this country he went up to Sidney Sussex College, Cambridge to read Law before serving his articles of clerkship at Freshfields in the City between 1973 and 1975. He joined the firm's litigation department on qualifying as a solicitor.

In 1980 John moved on to Rowe & Maw and began specialising in construction and engineering law. At that time it was a modest sized firm in two buildings, divided by an alleyway which was quite literally the City boundary. He worked in the eastern office and is thus able to claim that he has spent the whole of his working life in the City. The firm's size and reputation grew and is now part of one of the largest firms world-wide – Mayer Brown.



John has experience of all forms of dispute resolution. He has also advised a wide range of clients - from a prime minister to the bass guitarist of an iconic pop group of the 1970s as well as more traditional clients, such as architects and contractors. He has also been the Client Partner for the Chartered Institute of Arbitrators for more than twenty years. He is presently masterminding the move of his firm's London office to new premises at Bishopsgate and will retire from the firm upon completion of its relocation in the spring of next year. He has therefore been concentrating of late on dispute avoidance!

John joined the Company as a Freeman in 1993. The Master at the time was his former MP, Ian Percival. He became a Liveryman in 1997, when Douglas Smith, who had originally introduced him to the Company, was the Master. Shortly after joining the Court in 2002 he became Chairman of the First Charitable Trust and subsequently took the chair of the Second Charitable Trust. Both Trusts have since been combined. He chaired his last meeting of the Trustees in September.

John is married to Jenny, who is a physiotherapist, and they live in Loughton, Essex. They have two children - Carolyn (who is also a physiotherapist) and Mark, who is with Macquarie Bank in the City.

Commenting on the year ahead John remarked:

"It is a great honour to have been elected the Master of a Livery Company, and I look forward to the year ahead with much relish and some trepidation. Rome was not built in a day, but I would like to see us contributing more to the work of the Financial Services Group of the Modern Livery Companies, of which we are members. After all, we can be fairly described as the premiere dispute resolution Company and have much to offer in these difficult economic times.

I would also like to see an increasing number of our members participating in our events over the next twelve months. With this in mind a wide ranging social programme has been put together. Besides the annual – and important - civic events, trips to Wood Street Police Station and the Tower of London (to witness the "ceremony of the keys") are planned, as are a family day at the Royal Dockyard on Sunday 19 April 2009 and a Livery weekend in Berlin in the autumn. It should be interesting and fun".

FINANCIAL SERVICES GROUP OF LIVERY COMPANIES

Introduction

The Company is one of nine of the modern Livery Companies that form the Financial Services Group of Livery Companies. The others Companies are the Solicitors, Chartered Accountants, Chartered Secretaries & Administrators, Marketers, Actuaries, Insurers, Information Technologists, World Traders, Management Consultants and Tax Advisers.

The Group meet four times a year to fulfil the objectives of providing:

- a network for access to expertise, experience and issues to provide briefings for the Lord Mayor for outbound and inbound visits;
- a source of education in financial affairs and issues for potential Lord Mayors and Sheriffs;
- a source of encouragement for all Livery Companies to seek Liverymen with the potential to be Lord Mayor and other suitable candidates to join the Livery;
- a resource for the Lord Mayor's theme for his year; and
- a forum to represent the views of the Financial Services sector to the Lord Mayor and the Sheriffs.

Guests at meetings include key officers from Guildhall & the Mansion House as well as, when appropriate, the Lord Mayor elect and the Sheriffs. It has been suggested that the Group should also maintain links with Aldermen who have passed the Shrievalty.

Each Company is expected to be part of a network providing a first point of contact for any enquiry from the Mansion House or Guildhall and to establish links with other sources of relevant information. In our case this includes the Chartered Institute of Arbitrators and other dispute resolution bodies.

Members of the Group are asked to submit country specific briefing papers for each of the Lord Mayor's outward and inward visits and to include input about the business environment (from personal experience); details of key contacts that the Lord Mayor might meet (or who can be invited to other functions and events held as a result of the visit; specific issues of expertise that may be relevant to the particular country and any areas where UK practitioners are facing difficulties.

Additionally the Group produce an annual briefing booklet – this year's is about to go to press – about the Livery Companies in the Group and their areas of expertise that is circulated to the Lord Mayor, Sheriffs and others who might find it helpful.

The Lord Mayor's Theme for 2008/09

Alderman Ian Luder is particularly keen to encourage links between Livery Companies & Liverymen and educational activities and the theme that will underpin his Mayoral year is 'Improving the Financial Literacy of the Nation'. The Lord Mayor writes:

"My theme this year is "improving the financial literacy of the nation". The Institute of Fiscal Studies in a survey last year found that 77% of the population do not understand APR, 40% admit they do not understand financial products such as mortgages or ISAs, Pensions are a linguistic nightmare and 30% of people do not understand the purpose of insurance. Finally, 50% do not understand what 50% means.

Such ignorance impoverishes not only the financially illiterate, but often carries the cycle of deprivation onto a further generation. I believe that it also has a direct impact on the City, the country and the financial services industry. Whilst there are a number of bodies addressing this problem, I am convinced that the Livery has a unique and important role to play in tackling this crippling issue."

How can Members of this Company help?

Our representative on the Financial Services Group of Livery Companies is Assistant Karl Davies. From time to time he will send out emails requesting input for briefing papers for the Lord Mayor's programme of visits. If you can help, please respond to those emails. The current list of visits is given opposite.

For more information about the Financial Services Group of Livery Companies go to <http://www.livery-fsg.org.uk/index.html>
To contact Karl Davies email karldavies@btinternet.com

FINANCIAL SERVICES GROUP OF LIVERY COMPANIES

<u>Proposed timing</u>	<u>Proposed destination(s)</u>	<u>Proposed city/cities</u>
20-21 November 2008	Liverpool and Manchester	Liverpool and Manchester
4 – 7 January 2009	Morocco	Casablanca & Rabat
25-29 January 2009	Turkey	Istanbul & Ankara
12-20 February 2009	UAE, Qatar & Saudi Arabia	Abu Dhabi & Dubai, Doha, Riyadh
6-9 March (tbc)	Scotland	Edinburgh & Glasgow
17-19 March 2009	Cyprus	Nicosia
6-8 April 2009	Sweden (Pre-Presidency visit)	Stockholm
28 April – 8 May 2009	Argentina and Brazil	Buenos Aires, Sao Paulo, Rio de Janeiro & Brasilia
27 May - 5 June 2009	China & Hong Kong SAR	Beijing, Shanghai, Hangzhou, Chengdu; Hong Kong (tbc)
29 June – 10 July 2009	South Korea, Vietnam, Malaysia	Seoul, Hanoi & Ho Chi Minh City; Kuala Lumpur
19 – 24 July 2009	Kazakhstan & Azerbaijan	Almaty, Astana, Baku
29 – 31 July 2009	Leeds & Sheffield	Leeds & Sheffield
3-11 September 2009 (tbc)	Russia & Ukraine	Moscow & St Petersburg, Kiev (tbc)
30 September – 8 October 2009	Canada & USA	Toronto & Vancouver, San Francisco & Los Angeles
19 October – 31 October 2009	India	New Delhi, Mumbai, Chennai, Hyderabad (tbc)

HMS MERSEY

The Worshipful Company of Arbitrators with the able assistance of Court Assistant Jonathan Wyatt has formed an affiliation with HMS *Mersey*, a River Class offshore patrol vessel. Named after the River Mersey, the ship is the fifth Royal Navy vessel to be so named and is the first to bear the name in over 80 years.

With her two sister ships HMS Tyne and HMS Severn she was built by Vosper Thornycroft in Southampton and came into service in 2003 to serve primarily in a fisheries protection role within United Kingdom waters.

She was in attendance at the start of the Tall Ships Race in Liverpool in July and the accompanying photographs show her and some of the real stars on the River Mersey on 21st July 2008.



CLIFFORD A.L. CLARK, MC

Clifford Albert Lawrence Clark was born on the 10th September 1918 at Harwich, at the end of the First World War. His long life spanned well into the 21st Century. He died on 20th September 2008, following a fall at home. He had just celebrated his 90th birthday and 68th wedding anniversary.

Clifford Clark was the only son of Albert Edward Clark, who was serving in the Royal Marines. He was educated at the Reay School. He left school to embark on a career in shipping and shipbroking. His first firm was W.H. Vernal, who were shipowners and he subsequently moved to Harris & Graham as a shipbroker. He was elected a member of the Baltic Exchange in 1938 and an associate of the Institute of Chartered Shipbrokers in 1939.

With the approach of the Second World War, he joined the Royal Engineers as a territorial in 1938. When the war started in 1939, he served with the British Expeditionary Force in France and Belgium, returning to the UK with the fall of France. He served in the army for the remainder of the war, being commissioned into the Queen's Own Royal West Kent Regiment, seeing active service in Malta, the Middle East, North Africa, Italy Greece, the Dodecanese and Western Europe, ending the war in Berlin as a Major. For his services in Malta, he was awarded the Military Cross.

After the war, he resumed his career as a shipbroker with Harris & Graham and was shortly afterwards approached by Theodore Layman to move to J.A. Finzi Layman, which he did. He remained with J.A. Finzi Layman for the rest of his shipbroking career, rising to be Chairman and Managing Director of the firm, which became J.A. Finzi, Layman, Clark & Co Ltd. He was also Chairman and Managing Director of a number of other associated Baltic companies.

An interest in maritime arbitration developed due to the fact that Mr Vernal, his first employer, and with whom he stayed in touch, was himself an arbitrator. He became a senior member of the Baltic Exchange's list of arbitrators and developed an arbitration practice, Clifford Clark and a number of others determined, with the encouragement and assistance of the Baltic Exchange, to form a new organisation dedicated to maritime arbitration. Thus was born the LMAA at a meeting in March 1960 at the Baltic Exchange.

In a letter to the LMAA in 1998, he compared life as an arbitrator at the end of the 20th Century with the earlier days, saying:

"... our job then was less complex and more leisurely, and involved much socialising with the legendary Arbitrators' lunches, to say nothing of the slap up dinners after evening Hearings! I don't know if any of the Committee will remember the Arbitrators' lunches: a goodly portion of smoked salmon, two or three King Prawns and the whole surmounted with a pile of potato salad, washed down by a glass or two of the Baltic's best Chablis."

In those days, some arbitrators, although not Clifford, were also well known for rounding things off with a glass of port.

He was a founder Committee Member of the LMAA and Honorary Secretary for the first 7 years of the organisation's life, setting it well on the road to what it has become almost 50 years later. He was Chairman between 1970 and 1973, President when that office was first created in 1973 remaining President until 1975 and was elected President for a second time between 1980 and 1983. He was elected the first Honorary Member of the Association in 1975 and presented with a handsome vellum parchment to mark his election.

In 1988, at the age of 70, he took the decision to wind down his arbitration practice, other than a few rather special appointments, which he was prepared to accept. At the time, he estimated that he had some 500 active appointments and that it would take him 3 years to bring these to a conclusion; in fact it took nearer 6 years.

In 1988, he took the decision to move away from London and settled with his wife, Hilda, in the centre of Shrewsbury to be closer to other family members. Even after moving to Shrewsbury, he was still very active in arbitration, travelling to London for hearings for some years. He played various prominent roles in The Shrewsbury Civic Society. He was a freeman of the City of London and consequently was made an Associate Freeman of Shrewsbury.

CLIFFORD A.L. CLARK, MC

Apart from his service to the LMAA, the many organisations of which he was a prominent member, include:

The London Court of International Arbitration	-	Chairman 1977-1978
The Chartered Institute of Arbitrators	-	President 1972 and 1973
The Worshipful Company of Arbitrators	-	Founder member, first Senior Warden and Master 1982-1983
The Institute of Chartered Shipbrokers	-	President 1978-1980
The Federation of National Associations of Shipbrokers and Agents (FONASBA)	-	President 1981-1983
The Baltic Exchange	-	Director 1958-1961 and 1965-1970
The Chartered Shipbrokers	-	Committee Member 1960-1983
P&I Association Ltd		Consultant 1983-1985

Clifford Clark was also a name at Lloyds, becoming an underwriting member in 1975. He remained a name until his death, by which time he was probably one of only a handful of names with unlimited personal liability. He was Chairman of the Lloyd's "SAVONITA" inquiry in 1978, appointed by the Chairman and Committee of Lloyd's which arose out of an insurance fraud relating to a consignment of cars, some of which were said to have been damaged by fire, smoke and water, but were in fact resold at 80% of their value, as new.

Clifford Clark is survived by his wife Hilda, his two sons Graham (himself a full member of the LMAA and our Company) and Dudley, and his daughter Janet, plus his 4 grandchildren and 3 great grandchildren, to all of whom we extend our sympathies. We would also wish to pay tribute to Miss Diane Lawrence, who for 49 years was Clifford Clark's loyal Secretary.

TERENCE JAMES CHALCRAFT JP

Terry Chalcraft died on 4 April after a long illness.

He had been a Liveryman of our Company since 1981. From 1999 - 2006 he had been a member of the Court of Assistants and he was Chairman of the First Charitable Trust from 2000 - 2002 and for the first six months of 2003.

His early training as a civil engineer was interrupted by two years' national service in the Royal Air Force. After qualifying he became involved with major projects in many parts of the world, notably in Romania where he oversaw a very major project for the oil industry which was completed on time and within budget,

In his retirement he had many interests, including arbitration. He became a magistrate, a Wandsman (Steward) of St Paul's Cathedral and a Liveryman of the Painter Stainers' Company. He was devoted to his family and his garden.

He is survived by his wife Audrey and his two sons, who will miss him greatly. He bore his final illness with great courage and a very positive attitude. He will be sorely missed by many friends within our Company and from the many activities in which he was involved.

His funeral was held at Amersham on 17 April, The Company was represented by the Master, Wardens, Clerk, Almoner and Liveryman Barry Rose.

THE LORD MAYOR'S SHOW

At 9.30AM on Saturday 8th November the intrepid musketeers in the form of Athos (our Master John Rushton), Porthos 'the strong' (Derek Ross), and Aramis (our Senior Warden Chris Dancaster), together with the Gascon (your scribe), began to congregate at the Paint Stainers' Hall near the Mansion House. This was in preparation for sallying forth properly accoutred in accompanying the Lord Mayor to his oath-swearing at the Royal Courts of Justice. A tradition originating in the time of King John who granted the City of London the privilege of selecting its own Lord Mayor.

The present incumbent and 681st Lord Mayor is Alderman Ian Luder a partner in Grant Thornton UK LLP and a prominent member of City institutions. Lin Luder, the Lady Mayoress, is a double Liveryman in her own right.

The procession was the biggest ever with the result that it was divided into divisions at the start. Your heroes gathered with the modern livery companies at St Martin's Le Grand and filtered in with the main procession along Gresham Street, past the Guildhall, and onward via Bank, Cheapside, St Paul's, and eventually Fleet Street to the Royal Courts.

None of us saw the Lord Mayor or his glorious coach but our faithful retainers (wives, lovers, friends, acquaintances and guests) were entertained splendidly from their vantage point in the Grandstands at St Paul's. What we did see was an amazing display of livery finery, ranging from full doublet, hose, and cloak, including clay pipe, of the Tobacco Pipe Makers and Tobacco Blenders, to the egghead and giant HB pencil of the Actuaries. The reader will no doubt be pleased to learn that your four representatives were equally fine in our familiar livery topped off with wonderful gold and tasselled chapeaux. But our finery did not end there, the brave and strong Porthos hefted the glorious banner proclaiming: 'Arbitrators', throughout the route to the Courts, while Aramis and the Gascon wielded suitably coloured umbrellas in protecting his back and that of our leader and Master. It has to be said that one of our main concerns turned upon the colourfastness of our headgear. The prospect of returning to our loved-ones with the appearance of too avid an adherence to the produce of the Tobacco Blenders was a worry but gladly an unfounded one, as was witnessed by our beloved Past Master and his two sons who had travelled for the Midlands to support our endeavours. I have to admit that at times I wished that I had joined a company of scuba and deep sea divers who no doubt would have had formal finery enjoying more waterproof qualities than did ours.

Fortunately, help was at hand due to the intervention of our canny comrade Aramis who acquired a set of waterproof ponchos. Once donned they offered some protection from the, by then, torrential rain. The deluge was so great that we feared the cheering crowds of onlookers would melt away, but astonishingly they were made of sterner stuff. If anything our return progress was marked by even greater enthusiasm than before. Whether this was because of the bond so often recorded in our history in times of common adversity, or curiosity to view the ingenious way comrade Porthos had arranged his poncho so as to afford protection as well as displaying his finery, is hard to guess.

So we returned as joyfully as we had set out but soaking wet and utterly insane. Hooting and whistling at the equally mad crowd who cheered, whistled and hooted back. Many of the policemen and women on duty had expressions which 'spoke' volumes and said: "I am being paid for doing this but how can this bunch of herberts be doing it for fun". The truth is that we were, and it was!

Afterwards the Master and Gascon adjourned to where our guests were enjoying a long luncheon at the Plaisterers' Hall. Divested of our soaked finery we joined in the entertainments which comprised an excellent comedy juggler and a series of quizzes. You will be delighted to learn that in the main quizz the 'Arbitrators' table secured an outstanding victory over our competitors from the Architects, Needle-makers, Plaisterers, and others. Heartened even further by our success, we then repaired to the Master's offices to be regaled with a fine buffet meal of such proportions that even the starving Gascon's prandial needs were satisfied. Once fed we adjourned to Blackfriars Bridge for a display of fireworks the like of which had not been observed since the premature millennium celebrations in 1999.

All in all a wonderful day of celebration, companionship, and deluge.

Philip Fidler (alias the Gascon)



CHARITABLE TRUST NEWS

The Trustees (being the Master (ex officio), the Junior Warden, Liverymen Crease, Fidler, Goodridge, Ross and Barry Rose and (until Common Hall on 30 October myself) have met four times during the course of 2008 and considered a number of applications for financial assistance. In deciding which ventures to support the Trustees have had particular regard to whether it has any connection with the City of London and/or dispute resolution. Besides continuing to award prizes to those excelling in their exams at City Law School, at King's College and at the Chartered Institute of Arbitrators, the Trustees have set up prizes for "peacemakers" at the City of London School and King Edward's School, Witley. They have also established a bursary for a needy pupil at the latter School. The Trust continues to support a student at the Guildhall School of Music and Drama and looking to assist a student studying dispute resolution at one of the London Universities.

The highlight of the year was the Charity Concert at St Mary-le-Bow in June. This was organised by Chris Dancaster and Liveryman Michael Gifkins and raised a four figure sum. It was particularly gratifying to hear David Bellinger of the Guildhall School of Music and Drama, whom the Trustees have supported in the past, give his vocal all. Consideration is now being given to another fund-raising venture in the not-too-distant future.

In the meantime we are grateful to those who make financial contributions to the Trust, whether on a regular or one-off basis. As regards the latter one of our number had a particularly significant birthday and asked his friends to give something to the Trust rather than to him when they asked what he would like to mark the occasion. Another who engaged in a triathlon shared with us the sum he raised for charity. Splendid – and thank you!

The assets of the Trust are a mixture of gilt-edged and blue chip securities as well as cash in the bank and a portfolio managed by Butterfield Bank. Despite the very difficult investment conditions of late we have weathered the storm reasonably well – so far.

At the end of the last meeting I stood down as Chairman of the Trust after a stint lasting more than five years. The Trustees unanimously elected Liveryman Michael Goodridge as my successor. I wish him well in his new role and take this opportunity to thank those who have helped me in the past.

If any of you should have a cause which it thinks the Company should support or indeed a fund-raising venture in which it should engage which is effective – and fun – please do not be shy and let me (or one of the Trustees) know what it is!

John Rushton

ADMISSIONS



Admission to the Livery
Freeman Iain Robert Christie who was admitted to the Freedom on 16th July 2008. Iain is a Barrister, on the Bar Council's top tier of barrister mediators who has taken part in a county court mediation scheme in Dorset and voluntary community mediation in London. Sits on the Bar Council's ADR committee and is a member of the Chartered Institute.



Admission to the Freedom
Freeman Michael Brendan O'Maileoin who was admitted to the Freedom on 30th October 2008. Michael is a Barrister in practice with Moon Beaver where his work covers a wide range of civil litigation and involves arbitration and other forms of dispute resolution. His father and brother are Liverymen of the Company.

THE WELLBEING OF WOMEN CHRISTMAS FAIR

It is that time of year again and you may be beginning to turn your thoughts to the problem of finding something to give your nearest and dearest for Christmas! Well here is the perfect way to resolve this dilemma, in a fun and convivial way, at the same time as helping a really first class charity.

The City Christmas Fair is held every year in aid of Wellbeing of Women. At the fair you can browse stalls filled with original luxury goods, fabulous foods and stocking fillers. Unwind with a glass of bubbly at the Champagne bar and then place a bid in the very popular silent auction. Please see the website, www.wellbeingofwomen.org.uk for more details.

The fair will be held on Monday 1st December 2008, from 11am until 8pm at Draper's Hall, Throgmorton Avenue, London EC2N 2DQ and tickets are £5 each, available from the WoW office (020 7772 6400) or email wellbeingofwomen@rcog.org.uk.

SHEEP DRIVE ACROSS LONDON BRIDGE

The Worshipful Company of World Traders chose Friday 19th September to stage a Sheep drive across London Bridge in support of the Lord Mayor's Appeal 2008. What a choice! The most glorious early autumn day after a summer of discontent for most of the country. In an atmosphere brimming with expectation the Drummer, Pikemen and Musketeers of the Honourable Artillery Company formed up to provide an escort to the Lord Mayor and Lady Mayoress and some 460 Freemen of the City of London re-enacting their former right to bring sheep and other animals into the City free from tax or toll. It was intended to be a special occasion and indeed the brilliant organisation on the day by the World Traders and their contributing organisations surpassed all expectations. The Master of the Worshipful Company of World Traders and his able Freemen and Liverymen are to be congratulated. Their organisation and marshalling, with such a light touch, were faultless and the smiles that were to be seen throughout the day reflected the acute sense of general well-being engendered among the participants and general public alike. Organised in stages the first drive of Romney Sheep was lead out of the City across the Bridge by the Lord Mayor Alderman David Lewis and the Lady Mayoress lead the second drive back into the City of London. The Freemen of the City of London escorted by Drummer Pikemen and Musketeers then drove the sheep over the Bridge in groups of 15 in stages, ably assisted where necessary by students of Hadlow Agricultural College. The charities supported by the Lord Mayors Appeal in 2008 which benefited from this event were Wellbeing for Women and ORBIS - preventing avoidable blindness, both under the patronage of Prince William.



EVENTS

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| 25 Nov 2008 | Visit to Wood Street Police Station followed by supper |
| 15 Dec 2008 | Carol Service |
| 23 Jan 2009 | Court Meeting and lunch at Guildhall |
| 5 Feb 2009 | Banquet – Mansion House |
| 12 March 2009 | Master's Lecture |
| 27 March 2009 | United Guilds Service at St Paul's |
| 3 April 2009 | Court meeting and Spring Livery Lunch at Armourer's Hall |
| 19 April 2009 | Family Day at Chatham Dockyard |
| May 2009 (tba) | Italian Supper Evening |
| June 2009 (tba) | Visit to Tower of London |
| 24 June 2009 | Election of Sheriffs at Guildhall |
| 9 July 2009 | Court Meeting and Annual Service followed by supper |
| Sept 2009 (tba) | Mansion House Art Collection |
| 29 Sept 2009 | Election of Lord Mayor at Guildhall |
| 2-5 Oct 2009 | Berlin Weekend |

CLERK'S CONTACT DETAILS

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