



# THE CHARTERED INSTITUTE OF ARBITRATORS

*EAST MIDLANDS BRANCH*

*(Chairman: [Robert Ridgwell](#))*

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## ***BRANCH NEWSLETTER***

**February 2009**

### **SPECIAL MESSAGE FROM THE BRANCH CHAIR**

Dear Member

As Winter - accompanied by a dismal economic outlook - hopefully nears its end, now appears a promising time to look beyond to better times (and Spring!).

Your Branch Committee aim to provide each year one quality CPD event for ADR practitioners, one joint event with a sister organization of interest to practitioners, and at least one further event either of a more social nature or fulfilling our duty to spread the word about ADR, especially to relevant students at one or other of our local Universities.

So this June, we will run our annual CPD Workshop, in November there will be a joint Conference with the Society of Construction Lawyers, whilst for this March (26th) we have arranged a Branch Dinner. Details of the first two events will follow, and of course you should all have received an invitation to the Dinner. A presentation to students is in planning stage.

In addition, on Wednesday 1 April 2009, we hold our AGM. Again details have been circulated. Immediately following the formal business, Roy Pickavance, a past Chair of the Branch, will speak. As many of you know, the Chartered Institute held a Congress in Malaysia at the end of last October, as part of its drive towards a more International standing. We sent Roy Pickavance to make our views known (including that we doubted the need for regular events abroad involving all UK branches!). Roy will have e-mailed you as part of research he made prior to the Conference, and which he presented there. At the AGM Roy will report back to the Branch membership as a whole, so I very much hope you will wish to attend to hear him.

If you have any queries or comments as to the Branch Committee's work, please feel free to forward them to me for consideration by your Committee.

I trust you join with me in hoping for better times ahead.

Regards

**Robert Ridgwell**

**Browne Jacobson LLP**

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## TREASURER'S REPORT

### BANK ACCOUNTS

**Current** :- There £246.34 in the account

**Deposit** :- There is £7,671.52 in the deposit account. It will require a further transfer to the current account as there is a pending account from Yew Lodge in respect of the last committee meeting.

Interest on the deposit account for the year of 2008 was £138.54.

### VAT

The VAT return for the quarter ending 31st. December 2008 has been completed and submitted to HQ.

### YEAR ENDING ACCOUNTS

This year the accounts have to be externally examined as the net assets at the end of 2007 exceeded £10,000. I have exhausted my contacts of people who might have undertaken this task, so if anyone is aware of someone (not a member) who would do the check, then please contact me. In order to be clear, I have been asking for the work to be done for a couple of bottles of wine, or less. I can get them done through an accountant, but I am trying to save the cost.

**BILL FISHER**

**Hon. Treasurer**

**Email:** [bill@activeaims.biz](mailto:bill@activeaims.biz)

### Case Note on Lobster Group Ltd –v- Heidelberg Graphic Equipment Ltd [2008] 2All ER 1173

This case could prove to be a trap for unwary participants in a Mediation (whether prior to proceedings being commenced or during the currency of those proceedings).

Peter Coulson J decided (in relation to an Application for Security for Costs) that if the Mediation Agreement stated that the parties agreed to bear their own costs of the Mediation then it would be a breach of that contractual arrangement for a Court (and also arguably an Arbitrator) to go behind that agreement and order those costs to be paid by the other party.

Accordingly, parties using the Association of Midlands Mediators Standard Form might like to consider an alteration to it. Helpfully, the National Mediation Agreement to Mediate states that in the event that the Mediation does not result in a settlement, "*This clause does not prevent a Court or other Tribunal with appropriate power from treating both the Mediator's fee and each party's legal costs, costs of, or incidental to the proceedings*" (clause 5).

The Judge found that he was bound by the contractual arrangement to mediate as agreed to by the parties and that if the parties had agreed that the costs of the Mediation should be borne by each side then that is what should happen as that is what had been agreed.

## **OFFERS OF PUPILLAGE**

Branch Committee members Jeffrey Rosenthal and John Evans, both experienced Arbitrators, have volunteered to offer pupillage to any interested members seeking some practical experience.

Due to Jeffrey's accountancy background, most of his cases are dealt with on a documents only basis, but he does sometimes hold oral hearings. The work involves partnership dissolution disputes for varied business activities, some investment disputes, and some general commercial matters.

Jeffrey is also a member of the CI Arb holiday scheme disputes panel, and can offer some practice in decision making and award writing for these smaller and often single issue disputes.

John is a construction arbitrator and adjudicator, and the majority of his cases involve hearings, ranging from two days to two weeks or longer. Since he is an engineer, he tries to concentrate on engineering construction cases as opposed to building construction.

If you would like to take up this offer, please contact Jeffrey or John direct, as follows

**Jeffrey:** [jcr@JeffreyRosenthal.com](mailto:jcr@JeffreyRosenthal.com)  
Tel 0116 241 4316 Fax 0870 762 1639

**John:** [john.evans@arbitrator-uk.com](mailto:john.evans@arbitrator-uk.com)  
Tel: 01629 732818

## **WEB SITE EDITOR'S REPORT**

You will note that on our web site, [www.CI Arb-EM.org](http://www.CI Arb-EM.org), there is a members' listing. Would you please check your membership details. If incorrect, please e-mail us at [emciarb@daqs.co.uk](mailto:emciarb@daqs.co.uk)

Additionally, if you want your web address to be listed with a link, this can be arranged for the sum of £10 per annum which will become part of the branch funds. If you would like this, please send your request to [emciarb@daqs.co.uk](mailto:emciarb@daqs.co.uk).

Any additional events or updates to current events will be posted on the website. The newsletter is now circulated to 64% of our members by e-mail. Members are encouraged to provide and/or update their e-mail addresses to reduce outgoing costs to the branch, which is to the advantage of the membership.

Whilst the East Midlands Branch maintains its own website headquarters, as part of its development of its own website, has put an initiative in place whereby eventually all branch websites will migrate to the Main site – East Midlands branch may be used as part of the pilot study.

Further news will be forthcoming in the next newsletter but watch this space for CI Arb HQ's updated website going live!

**ROY PICKAVANCE**  
**Web Site Editor**  
Email: [emciarb@daqs.co.uk](mailto:emciarb@daqs.co.uk)

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Contributions to the Newsletter are always welcome.



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## FUTURE EVENTS

Date	Venue	Details	Contact
6 March 2009	The Royal Armouries, Leeds	<p style="text-align: right;"><i>SCL Event</i></p> <p><b>Resolving Disputes In Construction Through Adjudication</b> A review of recent developments and perspectives from those involved</p> <p>The Speakers The Honourable Mr Justice Ramsey The Honourable Mr Justice Akenhead Nerys Jefford QC Franco Mastrandrea Ronan Champion Barry Milton</p>	RICS Events Surveyor Court Westwood Way Coventry CV4 8JET
26 March 2009	The Yew Lodge Hotel, Kegworth (just off J.24 M1)	<p><b>Annual Dinner</b></p> <p>I am writing to invite you and your guests to our Branch Dinner, which we are reviving for this year. It will be a relatively informal occasion, suitable for bringing either friends, spouses or partners, or business contacts to, at what I hope you will agree is an attractive price (£25 each). Dress will be lounge suit. The Dinner will include 3 courses, complimentary wine and fresh fruit juice on the tables. There will be a short address by Nicki Alvey, the Chartered Institute's new Director of Training and Arbitration, as to what is happening in the world of alternative dispute resolution, followed by Tom Huggon, Deputy Lord Lieutenant for Nottinghamshire and retired solicitor, who is a most interesting speaker.</p>	Robert Ridgwell
1 April 2009	The Yew Lodge Hotel, Kegworth	<p><b>Annual General Meeting</b></p> <p>The Twenty Ninth Annual General Meeting of the East Midlands Branch of The Chartered Institute of Arbitrators will be held on 1 April 2009, commencing at 7.00 pm. Refreshments will be available from 6.30pm.</p>	Mike Cross
June 2009		CPD Workshop	
November 2009		Conference	<i>Joint event with SCL</i>