

**MINUTES OF THE
CLLS ARBITRATION COMMITTEE MEETING
ON 2 NOVEMBER 2023, 10:00-12:00**

Attendees: Michael Davison (Chair, Hogan Lovells), Karen Birch (A&O), Chloe Edworthy (Macfarlanes), Kevin Hart (CLLS), Matthew Saunders (Vice-Chair, Ashurst), Alejandro Garcia (Stewarts Law), Marie Berard (Clifford Chance), Lisa Dubot (Mayer Brown)

Via Zoom;

Apologies: Hannah Ambrose (HSF), Oliver Browne (Latham Watkins), Stuart Dutson (Simmons & Simmons – substitute Jonathan Schuman), James Freeman (A&O – substitute Karen Birch), Robert Price (Latham Watkins), Matthew Skinner (Shearman Sterling)

1. WELCOME

Matthew Saunders stood in for Michael Davison and took the role as Chair and welcomed the Committee members to the meeting.

2. APPROVAL OF THE MINUTES OF THE MEETING ON 18 SEPTEMBER 2023

The committee approved the minutes without any comments.

3. GOVERNANCE

Matthew Saunders updated the Committee that Philip Chong and Sherina Petit have resigned from the Committee and therefore it is necessary to find two more committee members from eligible law firms.

Kevin Hart suggested to announce the seats on the website and to promote on social media and for committee members to draw the attention of potential candidates to the application process. Candidates should be within the Arbitration space and wanting to promote London as Arbitration seat.

With regards to the Arbitration Act Reform, Matthew Saunders commented that other entities within London might be more represented in public and that potentially law firms that are underrepresented in the public eye could have a more prominent role through this committee.

Kevin Hart suggested to give it a month for applications to come in. Given the next meeting is on 30 January 2024, it was suggested to go through applications by email and potentially to discuss at a social event if this goes ahead before the end of the year.

The following firms should be approached with a focus on their arbitration expertise: Norton Rose, Freshfields, Stephenson Harwood.

Candidates should be suggested to Michael Davison, Matthew Saunders, Kevin Hart with Patricia Irigei in copy so that this can be taken forward.

4. LAW COMMISSION – ARBITRATION ACT REFORM

Lisa Dubot updated the Committee that she attended the IBA and that it was confirmed there that were tweaks presented to the Act and that the reviewed Act should be presented in the King's Speech on 7 November.

Kevin Hart explained that any contacts within the member firms and CLLS in the House of Lord that could pass on amendments. Committee members should provide contacts if anyone thinks that this could be a possibility.

Matthew Saunders made the point that many of those who were involved in the Reform consultation process do not have enough experience to promote London as arbitration seat and, therefore, this Committee is best placed to speak to entities like the MoJ and others to promote London and represent the member's law firms.

Kevin Hart confirmed that it would be useful to prepare a list of the issues from this Committee's point of view but also transactional colleagues to have the examples ready once the Bill is published. It was also suggested to put together a briefing, particularly for the MoJ, House of Lords or backbenchers. These briefings are aimed to promote longer term promotion and a forward looking, positive approach.

The Committee agreed to put together a briefing paper to emphasise the importance of London and who the competition is. Matthew Saunders and Lisa Dubot will put together a bullet point list of questions within the next couple of days to provide to colleagues with a view to putting together a briefing during w/c 19 November.

Matthew Saunders also raised the question what the wider purpose of this Committee is now that the consultation of the Arbitration Act Reform has been finalised. What should the next focus of the Committee be? Again, the point was raised that this Committee is best placed on a London focussed approach.

5. COMMITTEE EVENT BEFORE END OF THE YEAR

Committee members agreed that this will be a good idea with a setting of a dinner but agreed that it will be difficult to pull it together before Christmas for this Committee and a wider event in the New Year.

Matthew Saunders confirmed that there would be availability for a dinner event at Ashurst on 14 / 19 / 20 / 21 December. This will also give an opportunity for this Committee to discuss what the focus of the Committee and what should be achieved in 2024 and going forward.

Patricia Irgei will send out a survey to see what Committee members can do for a dinner or lunch.

6. ARBITRATION AWARD

The Committee members had received a summary on the Nigeria Award against P&ID.

The Committee noted that the Committee should potentially comment positively but should probably not be the first area where the Committee should be focussed on.

The Committee agreed that there are issues with London as arbitration (e.g. arbitrator choices etc.) which should be paid note to, and the Committee can work on.

7. 2024 DATES

The Committee was informed that invites will be sent for the following dates in 2024:

- 30 Jan / 16 Apr / 23 July / 22 Oct

8. CLLS INFORMATION

- Kevin Hart informed the Committee that a new AI Committee will be formed and asked for a Committee member to liaise with the AI Committee to keep an eye on developments. If

anyone wants to be that liaison, please speak to Kevin Hart. This should also include more junior law firm members that can get involved.

- Kevin Hart also informed the Committee that there will be an increased communication effort to improve communication from the main CLLS Committee and the Specialist Committees and vice versa.
- Kevin Hart mentioned that CLLS are putting together a group of associates with a range of experience liaising with the different committees in relation to AI.

ACTIONS:

1. The Committee agreed to put together a briefing paper to emphasise the importance of London and who the competition is. Matthew Saunders will put together a bullet point list within the next two weeks so the Committee has examples to provide to Members of Parliament.
2. Patricia Irigei will send out a survey to see what Committee members can do for a dinner or lunch.