ARBITRATION WORLD

Date: September 2015

K&L Gates Publication

By: Peter R. Morton, John Kelly, Jonathan B. Morton, Nicholas Brown, Julie Anne Halter, Robertson M. Noreus, Michael B. Goodfried, Douglas J. Simmons

FROM THE EDITORS:

Welcome to this special 30th edition of *Arbitration World*, which, we are happy to announce, marks the publication's 10th anniversary.

To view Arbitration World, *click here*.

In this edition, we are very pleased to include a short interview with the Registrar of the LCIA, Sarah Lancaster, regarding the application of the new LCIA arbitration rules and recent developments in LCIA arbitration. We are also delighted to include, as part of our series of guest contributions from expert witnesses, an article from Philip Haberman and Liz Perks, partners in Haberman Ilett LLP (a specialist firm providing accounting and financial expertise only in the context of disputes), exploring recent trends in expert evidence and providing thoughts on potential future improvements.

On the institutional side, we report on the launch of the new Perth Centre for Energy and Resources Arbitration, we compare the emergency arbitration procedures in the new (2015) CIETAC Arbitration Rules against other institutions' procedures and review arbitration under the rules of the Court of Arbitration of Côte d'Ivoire (CACI), one of the major arbitral institutions in West Africa. As for legal developments, we report on the new Delaware Rapid Arbitration Act and the much-anticipated forthcoming UK Insurance Act, as well as comment on a recent decision of the Supreme Court of Victoria, Australia, as to what constitutes a “commercial arbitration”. We report on the new International Commercial Arbitration Subsection in Miami, Florida, a new court subdivision devoted to hearing international commercial arbitration matters. We look at the issue of who determines questions of whether a particular dispute is arbitrable in U.S.-seated arbitrations. We summarize the types of disputes that may arise in M&A transactions and the potential benefits and drawbacks of using arbitration to resolve those disputes. We also include an article looking at growth of electronically stored information (ESI) and the potential benefits of new technologies for reviewing ESI in international arbitrations and include an article specifically focused on the growth of predictive coding as a document review solution when dealing with ESI.

We also provide our usual update on developments from around the globe in international arbitration and investment treaty arbitration.

We hope you find this edition of *Arbitration World* of interest and we welcome any feedback (email ian.meredith@klgates.com or peter.morton@klgates.com).

In this issue:

©2005-2026 K&L Gates LLP. All Rights Reserved.

Interview with Sarah Lancaster, LCIA Registrar

by Ania Farren (London)
Q&A with the Registrar of the LCIA regarding the application of the new LCIA arbitration rules and recent developments in LCIA arbitration.

Trends and Improvements in Expert Evidence

by Philip Haberman and Liz Perks, Partners in Haberman Ilett LLP
As part of our series of guest contributions from expert witnesses, an article from Haberman Ilett LLP (a specialist firm providing accounting and financial expertise only in the context of disputes) regarding recent trends in expert evidence and thoughts on potential improvements.

Arbitration News from Around the World

by Sean Kelsey (London)
Our usual survey of key recent developments in international arbitration.

World Investment Treaty Arbitration Update

by Wojciech Sadowski (Warsaw)
The latest news from the investor-state arbitration scene.

The Delaware Rapid Arbitration Act

by J.P. Duffy, Tara L. Pehush, and Priya Chadha (New York)
A report on the new Delaware Rapid Arbitration Act, designed to promptly and economically resolve commercial disputes.

Arbitration Before the Court of Arbitration of Côte d'Ivoire

by Louis Degos and Dara Akchoti (Paris)
A review of arbitration under the rules of the Court of Arbitration of Côte d'Ivoire (CACI), one of the major arbitral institutions in West Africa.

What is a Commercial Arbitration?

by John Kelly and William KQ Ho (Melbourne)
A report on a recent decision of the Supreme Court of Victoria as to whether an Australian Football League disciplinary process constituted a “commercial arbitration”.

Who Decides Who Gets to Decide? Challenging the Competence of U.S.-Seated Arbitrators to Determine Arbitrability of a Dispute

by Max Louik (Pittsburgh), John P. Estep (Washington, D.C.), and Kaitlin C. Dewberry (Pittsburgh)

©2005-2026 K&L Gates LLP. All Rights Reserved.

A review of the issue of who determines questions of whether a particular dispute is arbitrable in U.S.-seated arbitrations.

Miami's International Commercial Arbitration Court: One of the First of Its Kind

by Karen Finesilver and Jonathan Morton (Miami)
A report on the new International Commercial Arbitration Subsection in Miami, Florida, a new court subdivision devoted to hearing international commercial arbitration matters.

Perth Centre for Energy and Resources Arbitration

by Nicholas Brown, Venetia Stewart, and Nicolas Lee (Perth)
A report on the recently launched Perth Centre for Energy and Resources Arbitration (PCERA), based in Perth, Western Australia, aimed at the energy and resources industries.

The 2015 CIETAC Arbitration Rules: How Do the New Emergency Arbitration Procedures Compare?

by Andrea Utasy (Singapore) and Sacha Cheong (Hong Kong)
Commentary on the new emergency arbitration procedures in the 2015 CIETAC Arbitration Rules, including a comparison to those of other institutions.

The Relative Rewards and Risks of Predictive Coding

by Julie Anne Halter, Rob Noreus, and Mike Goodfried, K&L Gates e-Discovery Analysis & Technology Group
A report on the growth of predictive coding as a document review solution when dealing with electronically stored information (ESI).

The Challenges Electronically Stored Information Presents in International Arbitration

by Douglas J. Simmons (Pittsburgh)
Commentary on the growth of ESI and the potential benefits of new technologies for reviewing ESI for the cost-effective management of international arbitrations.

Possible Disputes for Arbitration in M&A transactions

by Haig Oghigian (Tokyo) and CJ Hoppel (Tokyo)
A review of the types of disputes that may arise in M&A transactions and the potential benefits and drawbacks of using arbitration to resolve those disputes.

New UK Insurance Act to Come Into Force in 2016 — The Biggest Shake-Up of Commercial Insurance Law in Over a Century

by Sarah Turpin (London) and Frank Thompson (London)
A summary of the forthcoming changes being introduced by the much-anticipated UK Insurance Act.

©2005-2026 K&L Gates LLP. All Rights Reserved.

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.

©2005-2026 K&L Gates LLP. All Rights Reserved.