

# COURSE INFORMATION

## MODULE 4 AWARD WRITING

### International Arbitration

Course Start Date: 13 July, 2018



#### WHAT IS THE AIM OF THE MODULE?

- To provide the candidate with the knowledge required to analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules.
- This course focuses on the processes followed by an arbitrator in defining the issues that has to be decided by an Award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to the evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Award.
- It is also an essential requirement for qualification as a Fellow and for those who aim to practice as an international arbitrator.

#### WHAT ARE THE LEARNING OUTCOME?

On successful completion of this course, candidates will be able to:

- ❖ recognise and evaluate evidence;
- ❖ distil issues from the parties' submissions;
- ❖ order and deal with all the issues;
- ❖ decide matters in dispute logically and in accordance with the law;
- ❖ structure the Award;
- ❖ write the discursive and operative parts of the Award;
- ❖ deal with the parties' costs and interest;
- ❖ allocate arbitrator's fees and expenses;
- ❖ demonstrate compliance with the legal and other requirements for an enforceable Award.

#### WHAT IS COVERED WITHIN THE SYLLABUS?

- ❖ Purpose of the Award;
- ❖ Purpose of reasons;
- ❖ Formal requirements of an Award;
- ❖ Substantive requirements for an Award;
- ❖ Elements of an Award;
  - The recitals;
  - Defining the issues;
  - Defining the law;
  - Ordering and handling issues;
  - Contentions on the issues;
  - Summarising evidence;
  - Findings of fact;
  - Dealing with legal submissions;
  - Arriving at a conclusion for each issue;
  - Parties' costs and interest;
  - Arbitrator's fees and expenses;
  - The seat of the arbitration;
  - Publishing the Award;
- ❖ Sending out the Award and dealing with slips.

#### HOW IS THE COURSE DELIVERED?

- The course is delivered over a period of four months, with a combination of private study and face-to-face tutorials.
- The course start date advertised is the start date of the course when candidates will be required to start their private study of reading **NOT** when they attend tutorials. Private study includes reading course materials and undertaking elements of assessments in your own time.
- Face-to-face tutorials are listed in the Course Schedule and involve candidates coming to Kuala Lumpur to attend classes.

## HOW WILL I BE ASSESSED?

The assessment of this Course is split into two parts:

1. A written assignment to be submitted during the course (20%).
2. A 4-hour open book examination (80%).

Details of the assessment are as follows:

- **The Assignment.** This assessment is not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- **The Examination.** This assessment is on a pass or fail basis. The mark achieved will contribute up to 80% of the final mark. Candidates who fail the examination will be required to re-sit the examination.
- The overall assessment is based upon the combined marks of the assignment and examination. Candidates must achieve a minimum overall mark of 70% to pass the course.

Marks for the examination will be divided into two parts: Part A – Technical Merit; Part B – Judicial Merit. Candidates must achieve a minimum of 70% in each part.

The assignment and examination are both Award writing exercises. The Award must be reasoned and enforceable. Any candidate that submits an unenforceable Award will be deemed as a fail and awarded zero marks.

The examination is open book with no restrictions, which means candidates are permitted to take any materials they wish into the examination. The examination consists of a final Award submitted on a dispute presented in a scenario in two parts, the first provided by email approximately two weeks before the examination date, the second provided on the stipulated examination date.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

## WHAT ARE THE ENTRY REQUIREMENTS?

To register for this Course, candidates must have successfully completed and passed the CIArb Introduction Module, Module 1 Law of Obligations and Civil Evidence, Module 2 Law of International Arbitration and Module 3 Practice and Procedure, CIArb Accelerated Route to Fellowship, a relevant course offered by a CIArb Recognised Course Provider or a course offered by a CIArb Branch and be a registered CIArb Member. English Language Competence - CIArb training and assessment is carried out in English it is therefore essential that candidates are proficient in both written and spoken English.

## WHAT IS THE COURSE FEE AND WHAT DOES IT INCLUDE?

The course is **RM5,500.00 net for CIArb members** and **RM6,000.00 for non-CIArb members**. The fee includes registration on the course, the first attempt at the assessments, study materials and refreshments during the Face-to-Face Tutorials. **Closing date for registration is 25<sup>th</sup> June, 2018.**

## WHAT HAPPENS WHEN I REGISTER FOR THE COURSE?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Joining instructions and course materials will be sent to candidates approximately 2 weeks before the course start date.

It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognised standard text books to supplement their study in their respective jurisdiction where these are available.

## WHAT IS THE CIArb's POLICY ON 'CANCELLATION OF COURSE'?

CIArb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CIArb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course. Should a candidate wish to cancel their registration of a course, notification must be received in writing to [ciarbmb@gmail.com](mailto:ciarbmb@gmail.com). Cancellation charges apply.

## WHAT IS MY NEXT STEP WHEN I COMPLETE THE COURSE?

On successful completion of this course, candidates:

- May be eligible to claim CPD points
- Will be awarded a Diploma in International Commercial Arbitration.
- Will be able to progress onto the Peer Interview of the international arbitration pathway.
- Will be eligible to apply for the Fellow grade of CIArb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.