
Kluwer Arbitration Blog

The New Year Arbitration Quiz: 2020

Michael McIlwrath (MDisputes) · Tuesday, December 31st, 2019

Should odd domestic arbitration practices be forgot, and never brought to mind!

Planning to be more international in the coming decade? Just in time for your New Years resolutions, we have the 2020 Kluwer Arbitration New Years Quiz. This year, the blog's editors have helped assemble questions about domestic arbitration practices from around the world. They range from useful developments and interesting quirks to odd practices that will raise the eyebrows of anyone not from that jurisdiction.

Try your hand at placing these idiosyncrasies of domestic arbitration!

Send your answers to kluwarbitrationblog@outlook.com, by **7 January 2020**. The first person to submit the correct answers, or the one with the most correct answers, will receive an invitation to a **double-secret event** on the occasion of the Kluwer Arbitration Blog anniversary, to be held in 2020!

1. Arbitrators

Match the arbitrator and the country whose courts decided the issues below in 2019:

- a. Arbitrators imprisoned for accepting compensation based on ICC fee scales in ad hoc arbitration proceedings
- b. Arbitrator's failure to disclose an ownership stake in the institution that administered the arbitration held to be grounds for annulment of award
- c. Arbitrator allowed to remain on tribunal despite being a former employee of one of the parties to the dispute
- d. Court granted a professional body access to the arbitration hearing transcript and witness statements so it could determine whether an arbitrator should be disciplined for failure to disclose circumstances of possible bias

1. USA
2. England
3. India
4. Peru

2. Skeletons in the domestic closet

Match the following domestic practices with the jurisdictions where they are most likely to be found in arbitration:

- a. Pre-hearing written skeletons
- b. Pre-hearing oral examination of opposing witnesses with a written transcript that can be used later during the oral examination of the same witnesses at the arbitration hearing
- c. Iura novit curia
- d. "Sittings" as term for calculating arbitrator fees for hearing time (usually a half day)

1. India
2. USA
3. UK
4. Prague Rules

3. Swearing!

Match the oath with the place or rules.

- a. Witnesses must swear an oath to tell the truth
- b. Arbitrators must swear an oath to decide based on the truth
- c. Arbitrators are expressly authorized to administer an oath to witnesses but are not required to do so

1. LCIA Rules
2. UAE

3. New York, USA

4. Champerty

Third-party funding of arbitration is prohibited under the common law doctrine of champerty in which of the following Asian countries?

- a. Hong Kong
- b. Singapore
- c. Australia
- d. New Zealand
- e. None of the above

5. Foreign lawyers

Match the rule with the jurisdiction

- a. Foreign lawyers are expressly authorized to appear in international arbitration and mediation proceedings
- b. Foreign lawyers may appear in international arbitrations but only as co-counsel with an attorney qualified to practice at this seat
- c. Foreign lawyers may reside and work at this seat, subject to regulation by a statutory body

- 1. Singapore
- 2. England and Wales
- 3. California, USA

6. Enforcement

Match the requirement with the jurisdiction (hint: one jurisdiction matches two propositions)

- a. A party must pay a tax of 3% of the amount awarded in order to enforce an arbitration award

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- b. The arbitrators must read the entire text of their award out loud to the parties in order for it to become officially enforceable
 - c. Arbitrators do not have authority to issue provisional/interim measures
 - 1. Italy
 - 2. Ecuador

7. Employment disputes *may be resolved by arbitration in all but which of the following countries?*

- a. USA
- b. China
- c. Saudi Arabia
- d. The Vatican
- e. Brazil

8. Grounds for challenging an award

Which of the following statements is true about Singapore?

- a. The country's arbitration act allows a party to challenge a domestic arbitration award on questions of law
- b. The arbitration act does not allow a party to challenge an international arbitration award on questions of law
- c. Both are true

9. Procedure

Which jurisdiction has enacted legislation to empower arbitrators to impose exemplary costs on parties seeking adjournments?

- a. Myanmar
- b. Vietnam
- c. India
- d. South Africa

10. Which arbitration institution was established first?

- a. The Finnish Arbitration Institute (FAA)
- b. The Singapore International Arbitration Centre (SIAC)
- c. The Vienna International Arbitration Centre (VIAC)
- d. The Court of Arbitration of the International Chamber of Commerce (ICC)
- e. The American Arbitration Association (AAA)

11. Bonus!

For extra points, send us the most interesting, idiosyncratic, or just plain crazy domestic arbitration practice that you have encountered.

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