

Kluwer Arbitration Blog

The Summer Arbitration Quiz!

Michael McIlwrath (MDisputes) · Thursday, August 14th, 2014



Mid-August is that time in the northern hemisphere when absence from their cases makes vacationing arbitration professionals fidget at the beach or in the mountains.

What to do after you have breezed through volume VII of Gary Born's salacious yet authoritative "50 Shades of Arbitration Procedure", discovered hundreds of folding patterns in the ICDR arbitration rules, and converted the ICC Secretariat's copious correspondence into a fleet of paper airplanes?

Sure, you could spend more time with family. But whenever you suggest another game of "Pick the Chair of the Tribunal" your children suddenly remember their summer homework, and your spouse has threatened divorce if you so much as hum the "[Pathological Arbitration Clause](#)" one more time.

It's not your fault that other people don't know how to have fun. Therefore, to help fight the boredom of arbitration-less holidays, we bring you the Summer Arbitration Quiz. As with the previous edition, readers are invited to submit answers by the end of August to the email address at the bottom of this post. The first to send correct answers (or the one who comes closest) wins a dinner in Florence (travel and hotel costs excluded) and, if they wish, their name published here.

Rules, Rules, and Guidelines

1. Which one of the following institutions did NOT introduce revised arbitration rules in 2014?

- A. LCIA
- B. ICC
- C. ICDR
- D. WIPO

2. Which of the following arbitration institutions introduced revised mediation rules in 2014?

- A. LCIA
- B. ICC
- C. ICDR
- D. SIAC

3. The International Bar Association (IBA) has published rules or guidelines for all but which of

the following areas of international arbitration practice?

- A. Costs
- B. The conduct of party representatives
- C. Evidence
- D. Conflicts of interest
- E. How to draft an arbitration clause

Local Protectionism

4. Which of these institutions was sued in a national court for allegedly promoting the unlawful practice of law by foreign lawyers, and by whom?

- A. The American Arbitration Association (AAA), by the National Trial Lawyers Association
- B. The Court of Arbitration of the Milan Chamber of Commerce, by the Italian National Bar Association
- C. The Russian Association of Arbitration (RAA), by the Federal DUMA (parliament)
- D. The LCIA India, by the Association of Indian Lawyers

5. True or False: the English Arbitration Act of 1996 has been interpreted by the English courts to require any arbitrator appointed in an arbitration seated in London to be from the caste of Queens Counsel or higher.

- A. True
- B. False
- C. They wish
- D. “Higher”?

New Horizons

6. In 2014, UNCITRAL Working Group II decided to explore the possibility of a new multi-lateral convention on which of the following topics?

- A. Recognition and enforcement of foreign court judgments
- B. Recognition and enforcement of foreign arbitral awards
- C. Recognition of famous arbitrators
- D. International standards of conduct for arbitrators
- E. Enforcement of foreign settlement agreements reached in mediation

7. Which of the following locations announced plans in 2014 to introduce new mediation procedures, quality control, and certification requirements to become a more attractive international forum for business disputes?

- Singapore
- London
- New York
- Switzerland
- Berlin

Local Idiosyncrasies

8. The procedural device known in the USA as “depositions”, oral testimony taken in advance a hearing, is routinely used in the domestic arbitration of which other countries?

- A. England and Wales
- B. Germany

- C. Australia
- D. Singapore
- E. Brazil
- F. None of the above

9. For the purpose of calculating arbitrator fees, in which country are hearings broken into “sittings” typically of 2 to 4 hour duration, with anything over considered a second sitting entitling the tribunal to additional fees?

- A. India
- B. Hong Kong
- C. Finland
- D. Russia
- E. England

Numbers big and small

10. In July 2014, the largest arbitration award in history, USD 51 billion, was rendered in the Yukos cases against Russia. With respect to the possibility of collecting such an award, comparisons might be made with Franz Sedelmayer, who once successfully collected a different arbitration award for expropriation against Russia. Sedelmayer says this took over 10 years and required some 60 enforcement cases and litigation in 80 countries.


How large was Sedelmayer’s award compared with Yukos?

- A. 16%
- B. 6%
- C. 0.6%
- D. 0.06%
- D. 0.00006%

11. For the price of \$30, you can still buy which of the following in support of an international arbitration?

- an hour of document review by a qualified lawyer at a legal process outsourcing company in India
- coffee for an arbitration hearing held at the Intercontinental Hotel in Geneva (three arbitrators, tribunal secretary, and a counsel and party for each side)
- a new copy of the Kluwer book, *International Arbitration and Mediation: A Practical Guide*, by Messrs. McIlwrath and Savage
- Discounted tickets to a new Broadway musical for an arbitral tribunal holding evidentiary hearings in New York

Efficient and Effective Methods

12. Which one of the following is advice contained in the [ICC Guide for Inhouse Counsel and other Party Representatives](#): 

- A. Because ICC Rule 30 requires an arbitral tribunal to render its award within six months, parties should refuse to pay the advance on fees unless the tribunal commits to comply with this requirement
- B. Parties should ask themselves whether it would be better not to hear any witnesses in the arbitration
- C. In order to encourage efficient handling of the case, parties should inform the tribunal at the

case management conference that they intend to publish the arbitration award and all information about how the case was conducted

D. Parties should always appear at the case management conference in person rather than remote participation via video or teleconferencing

13. Which of the following is NOT a recommendation of the IBA Guidelines on Party Conduct in International Arbitration?

A. Parties may communicate with an appointed arbitrator they nominated in order to discuss potential candidates for presiding arbitrator

B. Parties may compensate witnesses for the loss of their time in preparing to testify (and for testifying)

C. Where there is a finding of severe misconduct by a Party Representative, arbitral tribunals may take the remedial step of an order prohibiting their further participation in the proceedings

D. If a Party Representative believes false evidence may be presented, she or he should promptly take steps to prevent this, including by resigning from the case

14. Which of the following arbitration institutions once had the practice of publishing on the stock exchange the name of any party that failed to comply with an arbitral award?

A. The American Arbitration Association in New York (AAA)

B. The Hong Kong International Arbitration Centre (HKIAC)

C. The Court of Arbitration of the Finnish Chamber of Commerce in Helsinki (FCC)

D. Arbitration Centre of Lisbon (ACL) of the Portuguese Chamber of Commerce and Industry

How to Submit Answers to the Quiz

Send your answers to Oskar Toivonen at Kluwer.arbitration.quiz@gmail.com. This email account will only be active until the end of August 2014. Official answers to the quiz (and the crossword) will be published in a subsequent post in early September.

By submitting answers, readers agree to have any disputes resolved by the rules of Bushkazi to be held in the Grand Duchy of Fenwick, and expressly disclaim the application of any law limiting the use of contracts of adhesion.

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Children's Corner: International Arbitration Word Hunt

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