

# Kluwer Arbitration Blog

## ¡Entra la cancha!: The Arbitrator Intelligence LatAm Campaign

Augusto Garcia Sanjur, Muhamed Tulic · Friday, October 12th, 2018 · Arbitrator Intelligence

We write in our capacity as Arbitrator Intelligence’s “Country Team Leaders” with an update about Arbitrator Intelligence’s Latin American Campaign.

As most Kluwer readers know, Arbitrator Intelligence (AI) aims to promote transparency, diversity and accountability in arbitrator appointments. The primary means to this end is the [Arbitrator Intelligence Questionnaire](#) (or AIQ). The AIQ is a confidential, online survey to be completed at the end of each arbitration by parties, in-house or outside counsel, and third-party funders. In the AIQ, responders provide feedback about the arbitral proceedings and the arbitrator’s case management.

The value of the AIQ is that this important information can be accessed while still protecting parties’ confidentiality (the AIQ does not ask for parties’ names or other confidential information) and the independence of responders (responders must register for security purposes, their submissions are anonymous). The AIQ collects key data that will facilitate assessment and analysis of arbitrator decision-making and case outcomes.

With a focus on its goal to promote diversity through more information, on October 1, Arbitrator Intelligence launched its six-week Latin American (LATAM) campaign. The main purpose of the campaign is to collect as many AIQs as possible about Latin American arbitrators and arbitrations in Latin America.

Information from the AIQs collected will allow Arbitrator Intelligence to highlight trends and arbitrators in the region by generating Arbitrator Intelligence Reports on Latin American Arbitrators, which parties can use in future arbitrator selection.

The LATAM campaign focuses on Brazil, Colombia, Mexico, Costa Rica, Guatemala, Panama, Ecuador, Peru, Argentina and Chile, but AIQs from all countries are welcome.

The Campaign is organized around a core group of Country Team Leaders—Giorgio Sassine, Catalina Bizic, Augusto Garcia Sanjur, Muhamed Tulic, Elizabeth Zorilla, and Jose Maria de la Jara—and designated AI Ambassadors in each of the identified countries. Ambassadors were chosen out of more than one hundred outstanding arbitration experts who responded to our call for applications (a list of our Ambassadors is available [here](#)).

Many of the Ambassadors volunteered out of interest and commitment to Arbitrator Intelligence’s goals to promote transparency, accountability, and diversity. But it also did not hurt that we have

come up with some good prizes as incentives. After the six weeks long campaign, the Ambassador who generates the most AIQs will have an opportunity to co-author an article with Gary Born and, the second most another article with Catherine Rogers. Other prizes include professional opportunities, such as attendance at the ITA Dallas Workshop in June, and the ITA-ASIL Conference in April, signed copies of Gary Born's treatise (generously donated by Kluwer) and designated access to books on Kluwer's Digital Book Platform (again thanks to Kluwer).

The first week of the campaign started with the theme *¡Entra la cancha!*, which was meant to encourage arbitration practitioners to join in creating their own future opportunities by generating information about arbitration in Latin America.

So far response has been overwhelming—thanks to our outstanding Ambassadors!

Arbitrator Intelligence has collected over 60 AIQs in just the first 10 days of the Campaign, and hence information about hundreds of arbitrators in those cases. We are also getting ready to launch in the coming weeks of the campaign both a Spanish version and a Portuguese version (thanks to Vitor Vieira!) of the AIQ so it is accessible to more parties in the region.

In the process of organizing the LATAM campaign, we also developed another important innovation, which we are calling the Moot Arbitrator Intelligence Questionnaire, or Moot-AIQ. For those of us who have competed in moot competitions, we know the challenges in finding information about moot arbitrators. For example, it would be helpful in your final preparations to know if your arbitrators tend to ask many questions or few, and questions more about facts or law, and whether they are flexible in granting time extensions. But it is virtually impossible to know this information apart from the moot grapevine, which (just as in real life!) works better for some than for others.

To address this moot problem, we developed a specialized AIQ that mirrors the real AIQ for moot competitions. Apart from making valuable information more available, completing an end-of-hearing AIQ is a lot like feedback that is now so common in many industries. From Uber's tradition of both passenger-to-driver and driver-to-passenger feedback, to [McKinsey Consulting's 360-degree-feedback program](#) for executives, information about an experience can be a valuable resource when given in both directions.

Like the original AIQ, the Moot-AIQ seeks mostly factual information (like that described above) and maintains confidential the names of individual respondents.

In working on the LATAM Campaign, to test the Moot-AIQ we teamed up with the International Competition of Arbitration (*XI Competencia Internacional de Arbitraje*) for its eleventh edition which was organized by Universidad de Buenos Aires (Argentina) and the Universidad del Rosario (Colombia).

For those who do not know, the ICA Moot is the most important regional arbitration moots in Latin America. In the eleventh edition of the competition, there were 54 teams competing, 607 participants of which 447 were students and 160 were coaches and 260 arbitrators. The participants and arbitrators came from 16 different countries.

At the ICA, coaches and student competitors were provided with a link, which lead them to the ICA-AIQ (*International Competition of Arbitration-Arbitrator Intelligence Questionnaire*). (The ICA-AIQ is a special version of the Moot-AIQ tailored for the purposes of that competition.)

Arbitrator Intelligence will provide general information from the responses and, after the organizers have an opportunity to review the responses, they will determine if arbitrator-specific information would be useful for either their future planning or for use by competitors next year.

We are exceedingly grateful to the Universidad de Buenos Aires and the Universidad del Rosario, for being brave enough to welcome innovation and be the first moot to test the Moot-AIQ. We are hopeful that this experiment may be inspiration for future moot court programs and look forward to working with interested organizers.

In the meantime, back in the LATAM Campaign, we encourage everyone (whether in the region or not) to use this period to submit AIQs on recent arbitration cases. Like so many other aspects of international arbitration, Arbitrator Intelligence is a collaborative project. Its ends are part of its means—to succeed, it needs to collect input from many participants, while its success will make information more generally available to all participants.

Specifically in a region as dynamic as Latin America, the value of more information about newer arbitrators will be an essential resource both to make regional arbitrators more known globally and to give regional practitioners greater access to information about foreign arbitrators. ¡Vamos!

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