

Kluwer Arbitration Blog

The Summer 2020 Kluwer Arbitration Quiz

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As the global pandemic has constrained in-person gatherings, many arbitration practitioners will have foregone most of their summer travel. Fortunately, for this summer's holiday (quiz), we can all take a trip together to Transparency Land, where all arbitrators and institutions are above average, but may not all be equal in how they manage proceedings.

With thanks to our friends at [Arbitrator Intelligence](#), the quiz this summer is based on actual data compiled about arbitrators and institutions.¹⁾

Have you never wondered whether arbitral tribunals seated in Central and Eastern Europe are likely to encourage amicable settlement and mediation while sipping a relaxing cocktail by the sea? Or, while safely socially distancing at the supermarket, asked yourself what the most common grounds are for granting document production in construction arbitrations? And certainly, while attending an on-line fitness class, had stray thoughts about the methods most tribunals adopt when calculating damages in oil and gas arbitrations?

If your summer holiday includes asking yourself similar questions about international arbitration, then try your hand at this summer's quiz and submitting your answers [here](#). The first three people to submit the correct answers (or the three people with the highest scores) will win fantastic prizes:

[Crina Baltag & Ana Stanic, The Future of Investment Treaty Arbitration in the EU: Intra-EU BITs, the Energy Charter Treaty, and the Multilateral Investment \(Kluwer 2020\)](#)

[Bruno Guandalini, Economic Analysis of the Arbitrator's Function \(Kluwer 2020\)](#)

[The Born Lectures \(6-month access\)](#)

The winner(s) will be announced on the Kluwer Arbitration Blog and the Arbitrator Intelligence website in early September. Best of luck!

The following questions are based on data collected by Arbitrator Intelligence (AI) from over 1,000 arbitrations globally, via responses from participants in those proceedings to the [Arbitrator Intelligence Questionnaire \(AIQ\)](#).

Duration of arbitral proceedings (commencement to award)

1. One arbitrator is often faster than three – but how much faster? For three-member tribunals conducting “oil and gas” arbitrations (as defined by those responding to the AIQ) the average duration is approximately 1,396 days with a three-member tribunal. For sole arbitrators it is:

- a. approximately 400 days
- b. approximately 600 days
- c. approximately 800 days

Document production

2. Many arbitrators boast that they actively limit document production, but do they really? According to AI data, tribunals sitting in “banking and finance” arbitrations mostly order document production with what scope?

- a. Narrow: only narrow and specific requested categories of documents that are reasonably believed to exist
- b. Moderate: a limited number of individually identified documents
- c. Broad: broad categories of documents based on general statements of materiality and relevance

3. Regional differences: According to AI data, parties seeking document production are most likely to have their request granted in full in proceedings seated in:

- a. the Western Balkans
- b. the Middle East
- c. Latin America

Documents-only arbitration

4. Tribunals are most likely to hold a documents-only procedure (no oral hearings) in disputes in which of the following sectors?

- a. construction
- b. shipping and transportation
- c. sports
- c. telecommunications

- d. trade in goods
- e. banking and finance
- f. oil and gas
- g. investment

Appointment of tribunal secretaries

5. In which of the following sectors, are tribunals mostly likely to appoint tribunal secretaries/assistants?

- a. Trade in goods and shipping and transportation
- b. Shipping and transportation and construction
- c. Construction and energy

Encouragement and facilitation of amicable settlement and mediation

6. Tribunals are most likely to encourage and facilitate amicable settlement and mediation in which of the following sectors?

- a. energy (other than oil and gas) arbitrations
- b. banking and finance arbitrations
- c. investment arbitrations

Awards of interest

7. Tribunals in which sector award interest most frequently?

- a. trade in goods
- b. banking and finance
- c. oil and gas

8. What is the most common interest rate applied in arbitral awards across sectors and regions?

- a. the rate imposed by the applicable law

- b. the rate agreed by the parties
- c. the inter-bank rate

Allocation of costs and fees

9. Tribunals in which sector are most likely to award *all* of the claimed costs of the arbitration to the prevailing party, in favor of both claimants and respondents?
- a. construction
 - b. trade in goods
 - c. shipping and transportation

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References

Arbitrator Intelligence is a global data aggregator that collects factual and evaluative feedback on arbitrators through an anonymous online survey called the [Arbitrator Intelligence Questionnaire](#) or **AIQ**. The collected data is used to develop [Reports](#) and other resources, which are then offered to the parties and their counsel who are looking for information on arbitrators. AI is not a ratings agency and does not rank or maintain lists of arbitrators.

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