

# Kluwer Arbitration Blog

## Interviews with Our Editors: In Conversation with Dr. Mariel Dimsey, Secretary-General of the Hong Kong International Arbitration Centre

Hiroko Yamamoto (Assistant Editor for East and Central Asia) · Monday, October 24th, 2022

*This August, Dr. Mariel Dimsey assumed the position of HKIAC Secretary-General, succeeding Ms. Sarah Grimmer, who served in the position for six years. Mariel brings with her extensive, 15-years' experience as counsel and arbitrator in international arbitration, spanning various jurisdictions and legal traditions. Mariel takes the helm during an exciting period at HKIAC and for international arbitration in Hong Kong.*

*For the fifth year, our Blog is providing live coverage of [Hong Kong Arbitration Week](#). We are privileged to interview Mariel as she takes on this new role.*



1. *First, congratulations on your new role as HKIAC Secretary-General! What has your experience been like during the first two months in this role?*

The first two months have been intense. I consider it my Phase 1, focusing on absorption of information, ideas, and practices. It has been a steep learning curve, and I have greatly appreciated the patience and kindness that everyone—including those at the Secretariat, the HKIAC Council, and the Standing Committees—has afforded me. There were certain areas that I was more familiar with because of the overlap with private practice, such as case management and arbitrator

appointment. But there are other areas that have fewer overlaps, such as corporate governance, budgets, and office management. I took on the role precisely for the breadth of responsibilities, so it is great.

Now, I feel that I am up to speed on most topics and am turning to Phase 2: digging deeper on particular aspects and formulating my own visions and plans for the future.

## **2. *What does a “typical” day look like?***

There isn't a typical day, but I have typical *approaches* to my day. One of my biggest challenges in the first few weeks was learning how to prioritize, given all that is happening simultaneously. All else being equal, I tend to first tackle case management, which is ongoing. The rest of the day depends on the projects we have at the time. At the moment, the team is focused on Hong Kong Arbitration Week, which commenced on 24 October, and related marketing and business development. The team has prepared a fantastic program with over 20 events. We also recently returned from Edinburgh, which hosted the ICCA Congress. Hong Kong will be the next host in 2024, so a lot of my time in the next 18 months will be taken up with preparatory activities and ensuring the events come together wonderfully.

## **3. *You have worked in firms and institutions in Hong Kong, Germany, and France; you qualified in Australia and Hong Kong; and you read law in Germany and Switzerland. What was your first foray into international arbitration?***

I have a wonderful collection of Vis Moot mugs! My first foray into international arbitration was the Vis Moot. I saw an ad for it when I was a law student in Australia. I tried out and was exposed to the wonderful world of arbitration that would allow me to travel, which I was very keen to do as a 21-year-old law student in Brisbane.

## **4. *What have been your guiding principles as you built a global career in the field?***

It's hard to say what the guiding principles have been. Because we change as people and lawyers throughout our careers, our priorities and principles change depending on our personal growth and development. But I'd like to highlight three. *First*, I've always been keen to do things I was interested in. I was very fortunate to have landed in arbitration when I did because I worked in Germany for a long time and had the fortune to be an English speaker in a foreign jurisdiction, which exposed me to a whole different world of opportunities. I also believe in the importance of “shaking things up,” and if we perhaps feel stuck or like we are not progressing the way we want to be, then it's up to us to make the change. *Second*, I believe in the importance of seeking advice and mentorship—and to offer mentorship to others. I've had mentors who have championed for me and from whom I have learned, and continue to learn, a lot, but I also learn from my mentees. As they say, mentorship is really a two-way street. *Third*, I believe in the importance of getting others' ideas and input. We all have tendencies to be set in our own ways, especially as we become more experienced. Getting input from others, whether that person is experienced or not, makes ideas better. This also applies at the HKIAC now, where I have the privilege of obtaining input from a

team of great, diverse people who help in ensuring better decision-making.

**5. *You have previously led an international arbitration group at a law firm and are now leading an arbitral institution. What qualities do you think the role of Secretary-General requires?***

I actually worked with an executive coach before taking on this role because I realized that personal leadership skills and management skills were so important in this role. One point I discovered in that process is that I value harmony. Perhaps because of my Australian upbringing, titles or overly formalistic styles don't really work for me. That's not to be critical of more formal cultures, but that is not what I became used to while growing up. While I might personally strive for harmony, I have learned through my career that it's equally important for everyone to have a voice because each person is viewing the topic from a different perspective. Something that I'm trying to encourage in this new role is to create an environment where everybody feels that they can speak up and speak from a position of strength and confidence. I think that is key to the functioning of an organization and also hopefully to creating a happy workplace.

**6. *What initiatives are you excited about as Secretary-General?***

There are so many things. *First*, I have to say our case management team is fantastic. We have a wonderfully diverse group of talented, competent case managers who have experience in a wide range of cases.

*Second*, we are hoping to spearhead revisions for the [HKIAC Administered Arbitration Rules](#) next year. Similar to the previous Rules revision, there will be a Rules Revision Committee and a lot of interaction and consultation with the community. We will be leaning on the community heavily to give feedback on areas to address or optimize, which will complement our internal notes of areas that we wish to look at in more detail.

*Third*, I am very excited about the ICCA Congress. It's such a wonderful opportunity for Hong Kong, and we would really like to get the whole community involved. Hong Kong can throw a great event when it wants to, with the venues, the boats, the rooftops, and the cultural activities. I think that it will be a terrific event and that will be something that will give us a lot of momentum over the next 18 months.

*Fourth*, we're looking to expand our [Case Digest](#) and [Case Connect](#) initiatives, so they are more accessible and meet users' expectations.

Sarah did incredible work as HKIAC's previous Secretary-General, and it's daunting to come into an institution that is already working so well. So, the big challenge for me is to maintain that and to see what we could further enhance or adjust. But at the end of the day, it's fantastic that HKIAC is in that position.

**7. *As you just mentioned, in the past year, HKIAC has launched HKIAC Case Digest—a database of HKIAC's procedural decisions with decisions also accessible through Wolters***

***Kluwer and Jus Mundi. What impact has HKIAC seen?***

Case Digest has had a good uptake. Over the next year, we want to ensure that our users are seeing it, aware of the possibilities, and able to provide feedback. One notable point is that the HKIAC team handpicks cases that we think are particularly interesting. The cases provide summaries of, and shed light on, key issues and can be useful for practitioners and help better shed light on how the HKIAC Rules play out in practice. Case Digest also showcases the variety and diversity of our cases and the rigorous approaches in our Appointments and Proceedings Committees. We hope it gives users confidence in HKIAC proceedings.

***8. HKIAC is considered one of the most preferred arbitral institutions globally, most recently ranking third in the 2021 Queen Mary University of London/White & Case International Arbitration Survey. What do you think are the remaining untapped markets for HKIAC? How do you hope to meet those markets' needs?***

I'm thrilled with our ranking, and I think it is a real reflection of everyone that came before me and all their work to enhance the HKIAC.

Looking at the caseload, there are many cases involving PRC and offshore companies, many with connections to PRC. PRC is one of our most important markets and one that we are continually growing and enhancing.

I have many regions that I would like to focus on. Firstly, the APAC region, which would go hand in hand with our many capacity-building initiatives in ASEAN. Further, I believe HKIAC arbitration is underutilized in Europe, particularly given the trade and supply relationships with PRC. It is a region that is not untapped but perhaps not yet fully explored. The US market similarly has untapped potential. There is a large amount of trade between the United States and China, so many companies may be interested in the benefits that Hong Kong and HKIAC offer.

Part of my job will be to participate in roadshows and explain the benefits of HKIAC arbitration in person. Given the resurgence of travel, now is a great time to do so.

***9. When you are giving roadshows, what are some specific aspects of HKIAC that you highlight?***

I often use case studies to illustrate the HKIAC process, not only to show the external-facing processes and the overall pace, but also the rigorous processes in the background. For example, to explain the process when an arbitrator is nominated or appointed.

Another aspect to highlight is the many unique advantages that HKIAC and Hong Kong-seated arbitrations offer. We are also working to remind people that Hong Kong has strong arbitration laws and a robust judiciary.

***10. In June 2022, HKIAC became the first arbitral institution outside Mainland China to be included in the China International Commercial Court's "One-Stop" Platform for Diversified***

*International Commercial Dispute Resolution, allowing parties in HKIAC-administered cases with “an amount in dispute over RMB 300 million or with a significant impact” to directly request interim relief or the enforcement of arbitral awards from the CICC, a court for international commercial disputes established by the Supreme People’s Court. How do you think this initiative will affect HKIAC arbitration?*

I think it’s a great vote of confidence from the Mainland institutions that HKIAC and Hong Kong have been included as the first institution and jurisdiction, respectively, outside Mainland China to have access to these benefits. Substantively, I see it as an extension of our existing arrangements on [interim measures](#) and enforcement of awards, which will continue to be valuable for disputes that do not meet the threshold requirements for the “one-stop” platform. One of the wonderful advantages of going directly to the CICC is that you bypass one level of court proceedings (the intermediate people’s court) and go straight to the SPC level, thus saving time and costs for users. I think this will be especially impactful in the enforcement context.

*Marcel, thank you very much for your time and invaluable insights.*

*More coverage from Hong Kong Arbitration Week is available [here](#).*

*This interview is part of Kluwer Arbitration Blog’s “Interviews with Our Editors” series. Past interviews are available [here](#).*

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