

Kluwer Arbitration Blog

Interviews with Our Editors: Opening Australian Arbitration Week 2024 with Judith Levine, President of ACICA

Joshua Wong (Assistant Editor for Australia, New Zealand and the Pacific Islands) · Monday, October 14th, 2024 · ACICA

Judith Levine is the President of the Australian Centre for International Commercial Arbitration (“ACICA”). Judith has been a long-serving member of ACICA and was one of its Vice-Presidents before her appointment as President in June this year. She is also a leading independent arbitrator based in Sydney, Australia, and has served as presiding, sole, and co-arbitrator in over 40 disputes, including at the PCA, ICSID, ICC, HKIAC, KCAB, SIAC, and the Court of Arbitration for Sport. Over the last 20 years, Judith has had a varied international career, moving between Sydney, Canberra, The Hague, Mauritius, and New York, and working at national and international courts and tribunals, as well as in the private sector. For example, Judith was formerly a Senior Legal Counsel at the Permanent Court of Arbitration and worked in the arbitration practice of White & Case in New York.

The Kluwer Arbitration Blog is privileged to interview Judith to kick off our coverage of Australian Arbitration Week (“AAW”) for the fifth year running.

1. First of all, congratulations on your appointment as ACICA President. Earlier this year, you accepted the GAR Award for the “Arbitral Institution that Impressed” on ACICA’s behalf. How has ACICA developed since our 2021 interview with former President, Georgia Quick, and what achievements are you most proud of?

Thank you. It is a privilege to take the reins from Georgia and lead ACICA into its next chapter. I look forward to contributing to advancing ACICA and Australia’s position as a trusted, independent, and effective dispute resolution option.

Accepting the GAR Award for ACICA in Paris earlier this year was a wonderful moment for ACICA and its dedicated staff and volunteers to be recognised for the significant initiatives that ACICA undertakes to drive improvements across all aspects of the institution’s work.

Some of these initiatives since 2021 which I am proud to highlight include:

- The continued growth of **ACICA’s caseload**. In 2023, **ACICA received the highest number of cases** filed in any one year with 21 new matters being submitted, bringing the total number of cases under administration in 2023 to 50 with a total value of AU\$2.1 billion.

- The introduction of online case management platform **ACICA Connect**.
- The development of a global network through the **Friends of ACICA** initiative, with events in Europe, the United States, and the Asia-Pacific region. The next **event** takes place in Hong Kong on 22 October 2024. This has been a great way to gather Australians overseas, those with connections to Australia, and those simply interested in knowing more about ACICA.
- Establishing a **Diversity Committee** that introduced the **ACICA Wing Person Initiative**, and a **Sustainability Taskforce**, which recently produced a draft Sustainability Protocol for public consultation, to be discussed at ACICA's **sustainability event** during AAW.
- The success of the inaugural **ACICA Pacific Islands Practitioner Scholarship Program**, which recently **awarded** the first two scholarships; and
- Seeing **AAW**, now in its 12th year, continuing to develop, with increasingly international attendance expected in Brisbane.

2. ACICA also recently gained a new Secretary-General, Diana Bowman, who succeeds Deborah Tomkinson after 12 years. What can we look forward to from ACICA's new leadership team?

We are very excited to have Diana on board. She brings national and international experience in leading disputes practices in Melbourne and in Paris as well as valuable in-house experience at the front end of projects and the back end of disputes in construction and energy—two of the most important industries at ACICA. She offers the hugely important perspective of the arbitration end-user.

ACICA is a lean yet dynamic and ambitious organisation which benefits from many volunteers on our **Board**. There are always new ideas being generated to better serve our growing number of users, and to drive important developments for the wider arbitration community in our role as a thought leader.

Our plans and goals include the following:

- We will conduct an update to the **ACICA Arbitration Rules** by 2026. Our Rules Committee has been reconstituted with brilliant experts who will roll out the consultation process soon to ensure our Rules continue to reflect international best practice and innovation.
- It is important to ACICA to gather and publish data about the use of international arbitration in Australia and by Australian practitioners in the field. We will conduct a survey at the five-year mark to update the benchmark **2020 Australian Arbitration Survey** to help track progress of evolving user needs, and will continue to be transparent about sharing data, as we did in our **2022 Reflections Report** and release of case load statistics.
- As the **case statistics show**, we are experiencing a growing caseload. It is essential that the institution continues to offer the high quality and efficient case administration services for which we have come to be recognised. We can count on our dedicated team at the Secretariat in this regard.
- We are also looking forward to renewed engagement with our national and state governments, including through our **Legislative Committee**, **Judicial Liaison Committee**, and **Australian Capital Territory Committee**.
- Finally, we aim to engage more with users and potential users of arbitration, particularly in the region, to ensure they consider ACICA as a credible and attractive option for efficient, neutral,

and high-quality case management. The “Ask ACICA Anything” [roundtable](#) we held recently in Singapore was a great opportunity to update and engage with practitioners and their clients in the region. And, as I mentioned, this goal aligns very well with the in-house experience and vision of our new Secretary-General.

3. One of the first events you spoke at as ACICA President was organised by ACICA45 in Singapore, concerning energy disputes in Asia. What opportunities are there for ACICA, and Australia more broadly, in this space?

For over a decade, the energy and resources sector has generated the highest number of cases filed at ACICA after construction disputes. It is also the sector that regularly entrusts ACICA with high value disputes. Energy and resources disputes have generated the highest total value of claims by sector since 2011.

Given Australia’s abundant natural resources, its growing focus on the delivery of sustainable solutions, the stable environment for doing business, and infrastructure for resolving disputes, it is perhaps unsurprising that ACICA is regularly selected for energy disputes between Australian and foreign or foreign controlled entities (including from Asia, Europe, the United States, and the South Pacific).

As for future opportunities, ACICA has seen an increase in disputes filed which arise out of agreements relating to renewable energy. Almost 30% of energy-related matters that ACICA has handled since 2011 have involved solar or wind energy. In 2024, this figure is at 60%.

4. In recent years, ACICA has organised a [webinar series on arbitration in the South Pacific](#) and launched a [Pacific Islands Practitioner Scholarship Program](#). Could you share your thoughts on the development of international arbitration in the Pacific Islands and ACICA’s role in supporting this?

We believe ACICA has an important role to play in regional engagement with our neighbours in the Pacific. ACICA recently announced the first two recipients of the [inaugural Pacific Islands Practitioner Scholarship Program](#). They are Jeanale Nigs, a Senior Associate at Dentons in Port Moresby, Papua New Guinea, and Ake Spiros Poa, In-House Counsel at the Solomon Islands Electricity Authority in Honiara, Solomon Islands.

The positive response really reinforced the relevance of the initiative within the region. ACICA received 72 applications from Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, and Vanuatu.

We look forward to welcoming the recipients to AAW in Brisbane including the [ACICA & CIArb Australia International Arbitration Conference](#).

This initiative has helped advance the ADR practitioner network that ACICA seeks to encourage in the South Pacific. The applicants have been invited to join an ACICA roundtable discussion to engage with practitioners to understand core interest areas and further build relationships in the region.

5. Turning to your own career now, can you tell us when your interest in international arbitration began, and how? What experiences have had the greatest impact on your career so far?

I always knew I wanted variety in my legal career, to travel, and to mix public and private work. Like many, my first exposure was via the Willem C. Vis International Commercial Arbitration Moot, representing the University of New South Wales. My interest in public international law developed during my LLM at New York University. I then had up-close exposure to decision-making at the highest level when I was an associate at the High Court of Australia, assistant adviser to the Attorney-General of Australia, and a judicial fellow at the International Court of Justice (“ICJ”), working with the inspirational judges Dame Rosalyn Higgins and the late Thomas Buergenthal. After finishing at the ICJ, I was ready to practise law but wanted to retain public international law work, and this led me to practise at White & Case in New York. I loved working there with Paul Friedland’s multinational team on a variety of investor-State and commercial cases, and running some challenging pro bono cases of my own.

Eventually I was drawn back to The Hague to work at the [Permanent Court of Arbitration](#) (“PCA”). It was a dynamic period there—the caseload grew from 17 cases when I started in 2008 to over 150 when I left in 2019. I had so many incredible opportunities to work on cutting-edge and complex cases with world-class arbitrators, including the *Yukos*, *South China Sea*, and *Bangladesh Accord* arbitrations. I was also fortunate to work on capacity-building via the Mauritius office, represent the PCA at the United Nations Climate Change Conference (“COP21”) climate talks in Paris, and attend hearings and give talks around the world.

It was always my plan to move home to Australia, so I maintained connections here, primarily through serving on ACICA’s Board as well as teaching, and attending AAW. That made the transition easier, as did the pandemic in a way, as it accelerated our embrace of remote technology and normalised the notion that you can work from anywhere. The practice has taken off. Highlights include presiding over my first PCA hearing back at the Peace Palace, and being [designated](#) to the ICSID Panel by the President of the World Bank.

6. Could you share with us how you received your first arbitral appointment and any advice for aspiring arbitrators?

I received my first arbitral appointment via the Australian national committee of the ICC. I recommend getting to know your ICC national committee members. Also get involved with your own national institution, like ACICA, by joining committees, assisting with projects and events, writing for their publications, and then apply to be on their panel when you meet the criteria. Maintain your networks. But ultimately the best form of business development is doing a good job. This requires excellence in substantive analysis, fairness in procedure, communication skills, and time management. If you do a good job, the appointments will flow from word of mouth of those who have sat with you, appeared before you, and reviewed your awards. Some further tips for appointments were discussed at this [webinar](#).

7. You've sat as arbitrator at CAS and as a member of Australia's National Sports Tribunal. With the 2032 Olympics to be held in Brisbane, the host city for this year's AAW, what opportunities do you see for the expansion of sports arbitration in Australia?

Australia is obsessed with sport, and there are opportunities to become involved in sports arbitration not only in the context of the sporting arena, but also in disputes arising from commercial aspects (e.g., sponsorship; broadcasting), and relating to the infrastructure and supply chains required for hosting large-scale events. There will be sport-related sessions at the main conference and side events at [AAW](#) addressing some of these opportunities.

8. Finally, as Australian Arbitration Week 2024 kicks off in Brisbane, what are you looking forward to the most, and what advice do you have for first-time attendees?

The main [ACICA & CIArb Australia International Arbitration Conference](#) is always a drawcard with high quality dynamic sessions. I will be summing up the day's insights in my closing remarks as ACICA President.

I am looking forward to meeting scholarship recipients Jeanale and Ake and attending ACICA's events, and I promise the Wellbeing Program, which is a walk or run on the Tuesday and Thursday mornings of AAW, is well worth the early rise!

Another highlight will be the [PCA event](#) celebrating its 125th anniversary and its connections with Australia and the Pacific, at which I am speaking.

Many first-time attendees have signed up for the [ACICA Wing Person Initiative](#). It aims to build confidence and connections by matching arbitration practitioners with those in the arbitration community who are more confident with their connections to attend AAW events together. We will roll out the program again for AAW 2025 in Sydney!

Thank you very much for your time and invaluable insights, Judith.

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

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Istanbul Arbitration Week

September 30th to October 4th 2024
Istanbul, Türkiye

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