



CI Arb
evolving to resolve

THE ADJUDICATOR

A NEWSLETTER OF THE BAHAMAS BRANCH

ISSUE 2 - JUNE 2021

Chairman's Report



YEAR IN REVIEW: 2020-2021

I am honoured and humbled to have been given the privilege to serve as the Chair of the CI Arb Bahamas Branch for the year 2020 to 2021.

The world has been and continues to be impacted by the COVID-19 global pandemic of unprecedented proportion that erupted in the early part of 2020 and has impacted every aspect of our lives. We have had to learn to live with lockdowns, physical and social distancing, sanitizing, mask-wearing and virtual interactions as a new way of life!

In spite of, or because of, the challenges we all have had to face in 2020, we, as the ExCom of The Bahamas Branch, were prepared to pivot and become agile in how we set out to achieve the 2020 - 2021 Branch goals that were set by the ExCom at the Annual General Meeting ("AGM") held in April 2021.

We were able to achieve our key goals due to the dedication, commitment, and hard work of the ExCom, and I am forever grateful for what we have accomplished because of our collective efforts!

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Meet the new team of CI Arb Bahamas (2020-2021)



Executive Chairman
Mr. Michael Diggiss
MCI Arb



First Vice Chair
Rengin Johnson
MCI Arb



**Second Vice Chair
& Honorary Secretary**
Shellyn Ingraham
MCI Arb



Third Vice Chair
Kenia Nottage
MCI Arb



Honorary Treasurer
Nicolette C. Gardiner
CPA, CA, ACI Arb



**Theominique
D. Nottage**
FCI Arb



Educational Chair
Charisse Brown
MCI Arb



Membership Chair
Yolande H. Rolle
MCI Arb



Public Image Chair
Doneth Cartwright
MCI Arb



Caryl A.E. Lashley
FCI Arb



**Kelphene
Cunningham**
FCI Arb



Retired Justice
Rubie Nottage
FCI Arb



**Cherise
Cox-Nottage**
MCI Arb



**Metta
MacMillan-Hughes**
MCI Arb



Rev. William Higgs
MCI Arb



**John
Michael Clarke**
MCI Arb



**Phylcia
Woods - Curry**
MCI Arb

EXCOM TEAM MEMBERS

Michael Diggiss	Chair
Rengin Johnson	1st Vice-Chair
Shellyn Ingraham	2nd Vice-Chair/ Honorary Secretary
Kenia Nottage	3rd Vice-Chair/CI Arb Bahamas Branch Representative on The Bahamas Financial Services Board
Nicolette Gardiner	Honorary Treasurer

COMMITTEE CHAIRS

Legislation	Caryl Lashley
Public Relations	Doneth Cartwright
Education/Training	Charisse Brown
Membership	Yolande Rolle
Young Arbitrators and Students	Theominique Nottage

EXCOM TEAM HIGHLIGHTS

KEY ACCOMPLISHMENTS FOR 2020-2021

The Legislative Committee, led by Caryl Lashley, with assistance from Retired Justice Rubie Nottage, Kelphele Cunningham, Bertha Cooper-Rouseau and Rengin Johnson had a successful year.

They have been working with the relevant stakeholders on finalizing the amendments to the Domestic Arbitration Bill, a Mediation Bill and a Construction Adjudication Bill. The finalization of these Bills will ensure that we have the legislative framework to support Alternative Dispute Resolution (“ADR”) in The Bahamas. We are confident that this work will remain a focus of the CIArb Bahamas Branch until the enactment of these Bills.

The Public Relations Committee, led by Doneth Cartwright, has been focused on the Promotion and Marketing of CIArb Bahamas and ADR.

CIArb Bahamas held its first Webinar under the theme ‘The future of ADR and the new Normal’, in December 2020, with the Honourable Mr. Chief Justice Sir Brian Moree, Q.C. and the Minister of Financial Services, Trade & Industry and Immigration, the Honourable Mr. Elsworth Johnson, M.P. as featured speakers. This webinar proved to be a very informative and successful event. There was a commitment to have a series of informational and promotional webinars throughout the year.

We also now have a CIArb Bahamas Branch Website in addition to a social media presence on several social media platforms, including Facebook and LinkedIn.

The Adjudicator, now in its second edition, is also an initiative led by the Public Relations Committee.

The Education Committee, led by Charisse Brown, and assisted by past Education Committee Chair Reverend William Higgs, continued to focus on facilitating the Training and Educational needs of our members.

We were able to have two of our esteemed Fellows, Retired Justice Rubie Nottage and Caryl Lashley, added to the list of CIArb Approved Faculty. This means the Branch can now facilitate the courses locally.

We offered our first virtual courses in Introduction to Arbitration, facilitated by Retired Justice Rubie Nottage and Introduction to Mediation, facilitated by Caryl Lashley. We had about 25 participants in attendance for each course, which was a much higher attendance than our traditional in-person courses.

Additionally, we had our first cohort (of nine (9) candidates) complete the CIArb Modules I to IV in the International Arbitration Pathway. Along with a candidate who completed the Pathway independently, we were able to successfully execute the Peer Interviews for Fellows in early 2021. As a result, the CIArb Bahamas Branch now has ten (10) additional Fellows of CIArb among our membership, with sixteen (16) Fellows in total! We believe this to be the highest number of Fellows per capita in the region!

The Membership Committee is led by Yolande Rolle.

The CIArb Bahamas Branch has fifty (50) members in good financial standing and there has been a concerted effort to contact all of our former members in order to encourage them to renew their membership and become involved in the work of the CIArb Bahamas Branch.

HIGHLIGHTS CONTINUED

We have also gotten new members to join as a result of taking the aforesaid introductory courses and qualifying for CIArb membership.

The Young Arbitrators and Students Committee led by Theominique Nottage.

In late 2020, the CIArb Bahamas Branch established a formal relationship with the Eugene Dupuch Law School (“EDLS”) to deliver its Alternative Dispute Resolution course over the next two years. To date, there has been a positive response to our delivery by both the students and administration of the EDLS and we look forward to this partnership’s continued growth. We were also able to offer EDLS students reduced rates for the aforesaid introductory courses along with other incentives to become members of the CIArb Bahamas Branch. Moreover, we trust that through this relationship, the CIArb Bahamas Branch can take an active role in the development of future ADR Professionals.

Financial Management led by Nicolette Gardiner

We have now reached a point of good fiscal management thanks to the dedication of our Honorary Treasurer. This will be illustrated in her year-end report.

CIArb London

CIArb London requires all of its Branches to submit an annual Development Plan outlining their goals and the related budget for review and approval. The submission of our Development Plan for 2020 to 2021 significantly assisted the CIArb Bahamas Branch as CIArb London provided the Branch with a Grant of USD\$44, 500.00 earmarked for the operational costs of the Branch.

CIArb London is actively engaging with all of its various Branches, and as the Branch Chair:

- ▶ CIArb London has organized quarterly meetings with the Director General and Branch Chairs to discuss matters of policy and governance related to CIArb in general; and
- ▶ The CIArb Trustee has established quarterly CIArb meetings with the Trustee for The Americas, of which The Bahamas Branch is a part. The aim of the meetings is to discuss matters of common interest to the respective Branches.

As my tenure as Branch Chair comes to an end, I would like to close with my starting sentiments, and by once again expressing my humility and honour to serve as the CIArb Bahamas Branch Chair for 2020 to 2021. I would also like to express my gratitude for the help and support of the members of the ExCom on the successful execution of the goals we set out to accomplish.

We have built on the work of those who have preceded the 2020/2021 ExCom and we stand on shoulders of those who started the CIArb Bahamas Branch as well as others who have brought us to this juncture. I sincerely believe that the CIArb Bahamas Branch is on a solid footing to achieve even greater accomplishments for the Branch and its members in the future. On behalf of the ExCom of 2020/2021, I would like to wish the next ExCom continued success.

Blessings to All!

Remarks

FROM MINISTER OF FINANCIAL SERVICES TRADE, INDUSTRY AND IMMIGRATION



Hon. Elsworth Johnson

The Ministry of Financial Services, Trade & Industry, and Immigration (the “Ministry”) is responsible for inter alia international commercial arbitration and to an extent other alternative dispute resolution (“ADR”) processes such as mediation and construction adjudication. As a part of this responsibility, the Ministry is charged with the implementation, and where necessary the revision, of the legislative framework that supports ADR in The Bahamas in addition to the promotion of ADR as a complement to financial services, international and domestic trade, and other industries/sectors.

The Chartered Institute of Arbitrators, Bahamas Branch (“CIArb Bahamas”), one of the Ministry’s Strategic Partners, is an organization that has immense value and importance to the Ministry. CIArb Bahamas represents a microcosm of the ADR community, and the technical skills of its members form necessary support to the Ministry. In mid-2020, the Ministry and CIArb Bahamas virtually met for a courtesy call, during which, CIArb Bahamas outlined to the Ministry its ambitious 2020/2021 Branch goals. A year later, the Ministry recognizes that the CIArb Bahamas Branch has achieved much of its 2020/2021 Branch goals.

For instance, the Legislative Committee of CIArb Bahamas has worked closely with the Ministry to improve the existing ADR legislative framework, including, but not limited to, (i) the International Commercial Arbitration Bill 2018, (ii) the International Mediation Bill, (iii) the Domestic Mediation Bill and (iv) the Construction

Adjudication Bill.

The Public Relations Committee of CIArb Bahamas led the planning of the inaugural CIArb Bahamas Branch webinar, “The future of ADR and the New Normal” in December 2020. While the Honourable Mr. Chief Justice Sir Brian Moree, Q.C. and I were featured speakers, it was truly impressive to observe the panel of CIArb Bahamas members who spoke to ADR legislative reform and the future of ADR in The Bahamas.

The work of the Education and Training Committee of CIArb Bahamas has been groundbreaking. Firstly, on behalf of the Ministry, I congratulate Retired Justice Rubie Nottage, FCIArb and Mrs. Caryl Lashley, FCIArb on their designation as CIArb Approved Faculty. This is significant, as the CIArb Bahamas Branch can now operate its education and training programmes with less reliance on external faculty. Secondly, the Ministry recognizes that CIArb Bahamas has not only successfully offered two introductory courses virtually, but also has also facilitated the admission of ten (10) of its members to the rank of Fellow of the Chartered Institute of Arbitrators. CIArb Bahamas now has a total of sixteen (16) Fellows, which is said to be the highest per capita within this region. These accomplishments are certainly laudable.

The Membership Committee has maintained CIArb Bahamas’ membership and has sought ways to increase membership through its collaboration with the Education and Training Committee and the Young Arbitrators and Students Committee on the initiatives led by those committees. Through the

The Membership Committee has maintained CIArb Bahamas' membership and has sought ways to increase membership through its collaboration with the Education and Training Committee and the Young Arbitrators and Students Committee on the initiatives led by those committees. Through the Young Arbitrators and Students Committee, CIArb Bahamas has established a formal relationship with the Eugene Dupuch Law School ("EDLS") to deliver its ADR Course. This is a notable step for CIArb Bahamas as it ensures that the next generation of ADR professionals are well-prepared to support The Bahamas as a leading centre for international arbitration and other ADR processes.

Besides the work of its internal committees, CIArb Bahamas has strengthened its relationship with CIArb London and has accessed funding to further support its future endeavours.

As to the outlook for ADR in The Bahamas, the Ministry introduced the general Bahamian public to its renewed focus on ADR through its webinar held in January 2021 under the theme, "Alternative Dispute Resolution and The Bahamas: Charting a New Course". Thereafter, the Ministry has worked with its Strategic Partners and other industry stakeholders on several draft bills and is positioned to enact the International Commercial Arbitration Bill 2018, with minor amendments, in the next few months. The Ministry also intends to make appointments to the Members of Court of the Permanent Court of Arbitration in the next few months. Over the course of the next year or so, the Ministry will continue to work within the parameters of its Strategic Plan as it advances The Bahamas' position in the international ADR community.

On behalf of the Ministry, I offer hearty congratulations to the CIArb Bahamas' Immediate Past Chair, Mr. Michael Diggiss and his ExCom on a job well done in 2020/2021. The Ministry looks forward to continuing its strategic partnership with CIArb Bahamas under the leadership of Madam Chair, Rengin Johnson. We are confident that great things are to come! ■

Message

FROM THE CHAIR



I congratulate you on your leadership qualities and dedication as the Chair of CI Arb Bahamas Branch during the term 2020-2021.

Your motivation inspired the members and the united Ex-Com team to achieve goals with remarkable success.

It was a pleasant and rewarding experience for me to have worked with you as the 1st Chair of the Branch. We shared purpose, values, professionalism, loyalty, and accountability.

It was also your platform to promote ADR in the Bahamas and to protect CI Arb's professional standards.

The Branch was successful with its Action Plan for the 2020-2021 term.

On behalf of the members, I thank you for your invaluable leadership and contribution to the growth and success of the CI Arb Bahamas Branch.

My Best Wishes,

Rengin Johnson

Rengin Johnson,
Barrister, Attorney-at-Law
FCI Arb
Chair 2021-2022

Message

FROM THE 1ST VICE-CHAIR & HON. SECRETARY

I am delighted to express my gratitude and heartfelt appreciation for your extraordinary service as Chair of the Chartered Institute of Arbitrator (CIArb) Bahamas Branch for the 2020-21 term. During your incumbency, you set an even higher standard in the Branch, following upon the successes of your predecessors.

As Chair, your leadership, vision and dedication have had a transformational impact on the growth of CIArb Bahamas and I note the significant achievements the Branch has made during your term. Through your leadership, you set goals for the overall success of the Branch as well as its membership. Transparency has been the hallmark of your chair, and you noticed and acknowledged everything achieved under your leadership. These accomplishments were attainable because of the especially unique way you have of bringing out the best in others.

With respect to alternative dispute resolution (ADR) in The Bahamas, you have continued to advance the agenda that ADR is the alternative for settling disputes; rather than the use of the court system where matters are not resolved as quickly as they ought to. This trend along with the legislative Bills becoming law in the not too distant future and the ongoing quest for educating our members and those wishing to become well informed in ADR will continue to have The Bahamas viewed as the ADR Hub in the Caribbean whilst keeping abreast with more advanced countries around the world such as the United States, Canada, Hong Kong and Singapore.

Members plan to ensure that the future building and continued upgrading of the Branch will remain intact and we will endeavour to continue pursuing our vision for all.

It is my hope, however, for your ongoing dedication to the CIArb Bahamas Branch and I wish you continued success and beyond.

With Kind Regards,

Shellyn Ingraham

Shellyn Ingraham, MCIArb
1st Vice-Chair & Hon. Secretary





Education Committee Report

by **Charisse Brown,**
CIArb Committee Chairman



PATHWAY TO FELLOWSHIP

Twelve members of the cohort for Module 4 Award Writing (Old Pathways) completed the At Home Coursework and final assessment for Award Writing in September 2020. 3 members were obliged to re-sit the exam assessment in March 5, 2021. 9 members were successful and were awarded the Diploma Certificate in International Arbitration in November 2020. 10 members of CIArb later completed the Peer Review Interview with Ret. Justice Rubie Nottage, Kelphe Cunningham and Caryl Lashley conducting the Peer Interviews. Our thanks to these ladies for conducting the interviews. Historically 10 members of the Branch were awarded CIArb Fellowship in March 2021. A press release was issued in April 27, 2021.

GRANDFATHERING UNDER MODULE 4

Two members of the Branch who started International Arbitration under the Old Pathways and were not able to complete, through no fault of their own, were granted exemption from certain courses by CIArb London and will be required to sit a Practice and Procedure Exam Assessment in July, 2021. Once completed they will be able to continue with Module 3 under the new pathways. We were advised that persons who completed the equivalent of International Award Writing under Queen Mary University of London (QMUL) that application could be made for

reimbursement of fees paid for certain courses in the old pathway however, exemption could not be granted for Module 4 (old pathway) as QMUL at the time was not a CIArb Recognized Course Provider.

INTRODUCTORY COURSES

The Branch held two online virtual courses during the term, Introduction to Arbitration (February 25 – 26, 2021) and Introduction to Mediation (March 1 – 2, 2021). These courses were conducted by CIArb Approved Faculty who are members of the Branch, Ret. Justice Rubie Nottage and Caryl Lashley. The courses

were very well attended. Introduction to Mediation had a cohort of 29 and Introduction to Arbitration a cohort of 24. Course fees were \$440. The Branch agreed a reduced rate of \$100 for students of EDLS. The courses provided a profit in excess of 10K. It is recommended that the Branch engage an administrator on a part time basis or event planner to assist with logistics, planning and administration of the courses going forward.

APPROVED FACULTY LISTING

Applications for Approved Faculty were submitted by 7 members of the Branch. These applications are presently being reviewed by CIArb London and a request was made in some instances for additional information and supporting documentation.

EDUCATION COMMITTEE REPORT CONTINUED

SHADOWING COURSES

8 members of the Branch shadowed the Introduction to Arbitration Course held in February 2021 and 6 shadowed the Introduction to Mediation Course in March 2021. In accordance with the AFL guidelines that were issued by CI Arb in December 2020, shadowing courses will assist applicants for Approved Faculty in being recognized as such. Observation reports for the persons shadowing the courses were submitted by the Course Tutors.

PROPOSED COURT APPOINTED MEDIATORS

In October 2020, the Branch submitted the names of 7 persons to Chief Justice Brian Moree who were certified by CI Arb London or through US certification to act as court appointed Mediators. This is a precursor to the establishment of a mediation adjunct to the judicial process.

TRAIN THE TRAINER

In June 2020, 9 members of the Branch were advised that they were successful in completing the Train the Trainer course held in Nassau by Shan Greer. Most of these persons went on to submit applications for Approved Faculty.

TRAIN THE TRAINER PROGRAMME FOR MODULE 1, VIRTUAL MEDIATION TRAINING AND ASSESSMENT

On 21, 22 and 28 October 2020 Approved Faculty and Provisionally Approved Faculty, Caryl Lashley, Dr. Peter Maynard, Bertha Cooper-Rousseau, Ret. Justice Rubie Nottage and Kelphe Cunningham participated in the training programme for virtual mediation training and assessment.

ESTABLISHMENT OF REMUNERATION FOR COURSE TUTORS

The Branch in Executive Committee Meeting by resolution determined that Course Tutors from

the Bahamas Branch would be paid remuneration for conducting educational courses. The Education Committee was asked to investigate, conduct research and make recommendations for the amount of the remuneration. The recommended fee of a daily rate of \$600 was approved by the Branch. Ret. Justice Rubie Nottage advised that whilst she supported the establishment of remuneration, she would be giving her services gratis for the Introduction to Arbitration Course as a part of her contribution to the growth of ADR in the Branch.

EDUCATION COMMITTEE 2020-2021

The Education Committee comprised Rev. William Higgs, Shellyn Ingraham and Charisse Brown as Committee Chair. Gratitude and thanks to Rev. Higgs and Shellyn Ingraham for their hard work, dedication guidance and support throughout the year. We are grateful for the support of the CI Arb Executive in promoting education within the Branch and the ADR community generally.

CIARB Approved Faculty



Mrs.
Caryl Lashley



Retired Justice
Ruby Nottage



Treasurer's Report

by Nicolette C. Gardiner, ACI Arb



The Branch financials is in a healthy position with a **cash balance of \$57.6K** and **net assets totaling \$75.5k** at 30 April 2021. A very special thanks to the hard work and dedication of the Executives of the CI Arb Bahamas Branch and their Committee Chairs.

Audited Financial Statement Accounts have been completed for the first time for the CI Arb Bahamas Branch. It shows a **cash balance of \$46.9k** and **accounts receivable balance of \$17.9k** after the auditors' **provision for bad debt amount of \$10K** was charged to the income statement for uncollectable receivables. Our auditors, Baker Tilly Gomez, fees which totaled **\$3,920 was not accrued** in the 31/12/2020 accounts as the decision for the audit was only made in January 2021 after submission of the 12 2020 accounts to Head Office. The full amount will be paid and expensed in 2021.

In the year 2020 we had a **total income of \$55.3K**. **Expenses for 2020 amounted to \$22.1K** resulting in a **Net Income of \$33.2K**. The significant amount of income was due to the Head Office **Grant received of \$45K** and the remaining income is due to the hard work of the Education Committee, PR Committee, the Tutors, Honorary Secretary and their cohorts.

During the **first quarter of 2021 Income totaled \$22.3K** and **expenses to date are \$23.7K**. Currently we are showing a **net loss of \$1.3K** but this is not reflective of the first quarter's performance as the audit fees and the write off expenses and provision for bad debts are included in this first quarter financials. Without these specific costs, the Branch has made a **healthy income of \$15,362.42**. So congratulations to All for their hard work putting on the successful courses of Arbitration and Mediation.

During the past fiscal year, the treasurer worked along with the committee members and executives on numerous projects to ensure proper financial and bank internal procedures are maintained by the Branch to ensure proper internal controls and other accomplishments are as follows:

- Completion of the Half Year accounts under the new CI Arb London template for the September 2020 formal meetings in London and to assist with HQ calculations for their performance.
- Organizing the accounting records to prepare meaningful reports after and instituting proper internal controls for approval and payment of expenses.

TREASURER'S REPORT CONTINUED

- Working with the Secretary and others to comply with the Bank of the Bahamas corporate and KYC requirements to bring the records of the bank account up to date with the regulatory standards of the Bahamas and adding the appropriate signatures on the bank account in order to conduct the Branch's business.
- Liaison with CIArb officials to bring attention and focus to the needs of the Bahamas Branch and attendance of all Treasurer's meetings.
- Submission of appropriate financials to CIArb London that resulted in a Grant of GBP 34,739 (\$44.5k) and building a rapport with the financial officials to inform them more of our branch activities and our navigation through COVID 19.
- Working with London and the Bank of the Bahamas to get the funds here in our bank account. The funds were returned several times by BOB due to incorrect currency or details contained or omitted from the wire and aspects that were not in line with the bank's anti-money laundering procedures and KYC. This took some time as London normally pays directly online to the branches account. We eventually got it worked out and received the funds in early December 2020. I thanked CIArb London on behalf of the Bahamas Branch for giving us the Grant and was told that it can be used for the operation of the Bahamas Branch.
- Working with the Executive of the Branch and former members to address the outstanding receivables on the Balance Sheet.
- Completing the Year End financials and Branch Pack and submitting to London prior to the stated deadline that was accepted and approved by London.
- Organizing the appointment of the auditor, Baker Tilly Gomez, for the Branch audit as requested by CIArb London, which is in accordance with the rules for all Branches with Net Assets over GBP 10,000.
- Successfully working with the Education Committee, PR & Marketing Committee to facilitate payments of all outstanding expenses for the courses and ensuring that all funds received were deposited and accounted for on a timely basis while keeping all involved informed.
- Obtaining approval and processing all international wire transfers by the Education committee to London promptly and without incident.
- Physically going the banks on numerous occasions to ensure cheques were deposited on a timely basis in the height of COVID-19; and provided necessary and required documents to the Bank – a risky and scary tasks at times.
- Working directly with the Chairman and Honorary Secretary of the Branch and all committee members to ensure that all financial matters were handled efficiently and smoothly and properly recorded.
- Working diligently with the auditors and provided all the necessary information to complete the year-end Branch Audit requested by CIArb Head Office and which is in line with the financial accounting procedures.
- Audit of the Branch should be finalized once approval is given by the Executive committee who has copies of the report.

Meet our new Fellows

CI Arb Bahamas is pleased to announce that the following persons have successfully achieved the status of Fellow:



CARLA CARD-STUBBS



KAREN BROWN



JOY DELANEY



KENIA NOTTAGE



JUSTICE PETRA
HANNA-ADDERLEY



JETHLYN BURROWS



MICHAEL DIGGIS



CHERISE
NOTTAGE-COX



RENGIN JOHNSON



CHARISSE BROWN

OUR FIRST BAHAMIAN FELLOW

Judge *Kelphene Cunningham* (Retd)



Judge Kelphene Cunningham (Retd), FCI Arb is the first Bahamian Fellow of The Chartered Institute of Arbitrators

(London) and holds an Advance Certificate in Mediation. She was a Founding Member and First Vice Chair of The Bahamas Branch of The Chartered Institute of Arbitrators. She is experienced in both International and Domestic Arbitration, as well as International and Domestic Mediation. Kelphene has been involved in Arbitration since 2008 when she became a Member of The Chartered Institute of Arbitrators London, as her clientele base required those services. This was some two years before The Bahamas Chapter was established. Hence when approached by Bertha in 2010 to form The Bahamas Chapter she was delighted to find a partner as enthusiastic as she was about Arbitration. At that time, a check of The Chartered Institute of Arbitrators London List of Arbitrators for The Bahamas showed no more than ten registered members. However our numbers grew rapidly and we quickly upgraded from a Chapter to a Branch in two short years in 2012. The Branch's growth has been continuous and the early concerns about capacity building has now been satisfied. The Bahamas Branch stands at about fifty-seven Members and we recently welcomed ten new Fellows and seventeen students to the Branch to whom I reiterate my Congratulations. To quote James Cash Penney, Founder of JCPenney "Growth is never by mere chance; it is the result of forces working together" and in our case, it is certainly the Branch working together in Shadowing Courses, Train the Trainer, Webinars, etc. familiarizing the public with the Branch, which has contributed to our growth.

Kelphene is a Barrister-At-Law of England and Wales, a Member of the Honorable Society of Grays Inn and a Member of The Bahamas Bar. She holds a Masters Degree (LLM) in International Dispute Resolution, a Bachelor of Laws Degree LL.B (Hons) London, a Post Graduate Diploma in Commercial and Corporate Law and a Post Graduate Certificate in Equity and Trust.

NEW EXCOM TEAM

2021-2022



Rengin Johnson FCI Arb
Chair



Michael Diggiss FCI Arb



Shellyn Ingraham MCI Arb
1st Vice Chair; Hon. Secretary



Doneth Cartwright MCI Arb
2nd Vice Chair



Yolande Rolle MCI Arb
3rd Vice Chair



Nicolette Gardiner ACI Arb
Honorary Treasurer



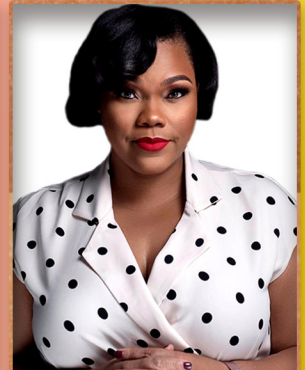
Caryl Lashley FCI Arb



Charisse Brown FCI Arb



Kenia Nottage FCI Arb



Theominique Nottage MCI Arb



Dr. Peter Maynard FCI Arb



Ret. Judge Kephene
Cunningham FCI Arb



Carla Card-Stubbs FCI Arb



Damani Horton MCI Arb



Metta McMillam-Hughs
MCI Arb



Rev. William (Bill) Higgs
MCI Arb



Ret. Justice Rubie Nottage
FCI Arb



Jethlyn Burrows FCI Arb

HOT OFF THE PRESS

Appeal from The Bahamas Privy Council Considers Serious Irregularity

by Emma Scheuer Linkhater LLP

Under section 90 of the Bahamas Arbitration Act 2009 (“BAA”), which is modelled on, and materially identical to, s.68 of the English Arbitration Act 1996 (“AA”), an arbitral award can be challenged on the grounds of serious irregularity where it is of a particularised kind and has caused, or will cause, substantial injustice. In *RAV v Therapy Beach Club* [2021] UKPC 8 the Judicial Committee of the Privy Council has considered whether, for that purpose, substantial injustice requires both the applicant, and the court, to expressly deal with the point.

BACKGROUND TO THE APPLICATION

The applicants (“RAV”) leased land to the respondents (“Therapy”) to operate a beach club. The lease was for three years, with the option to extend for a further three years subject to a rent negotiation (although both the existence and exercise of that option was disputed by RAV). During the first three-year term, RAV evicted Therapy and demolished the beach club.

Therapy claimed damages. Pursuant to an ad hoc arbitration agreement (with seat in Bahamas), the arbitral tribunal awarded Therapy \$9,670,000 plus interest and costs, which included loss of profits for the entire six-year period.

GROUND FOR THE APPLICATION

RAV challenged the arbitral award for serious irregularity under s.90 BAA on two grounds.

First, that the period for which the damages for loss of profits had been awarded should not

have included the optional three-year extension. RAV complained that the arbitrator failed to address two key points that were raised; that Therapy had failed to exercise its option to extend the lease, and that the option itself was uncertain and unenforceable. This failure, RAV alleged, constituted a failure by the tribunal to deal with an issue put to it (s.90(2)(d)).

Second, RAV argued that amounts of deductions to the damages made by the arbitrator were not supported by documentary evidence, as Therapy’s expert relied on his memory. RAV further alleged that it was not given the opportunity to address the deductions, as the parties only learned of them when the award was made. For this failure, RAV invoked s.90(2)(a) (failure by tribunal to comply with its general duty of fairness).

THE JUDGEMENT

The board of the Judicial Committee of the Privy Council (the “Board”) held that expressly dealing with substantial injustice in such a way is not a formal, mandatory, requirement of s.90. So not doing so would not automatically be fatal to a s.90 application; ultimately the substance of the matter was more important than form and “undue formalism should not be required”.

Despite that, however, the Board noted that it would be good practice for an applicant challenging an arbitral award under s.90 separately to allege that the serious irregularity caused or will cause substantial injustice. And, likewise, it will be good practice for the judge determining the application to expressly and separately establish substantial injustice. This is

Appeal from The Bahamas Privy Council Considers Serious Irregularity continued

because not doing so might cause a problem depending on the circumstances of a case. On the applicant's side, assuming proper evidence is brought, the matter would, generally, be properly brought before the court. But, still, there might be cases where failing to go on and particularise might cause prejudice to the other party (albeit that this was not one, in the light of the issues involved).

And, on the court's side, if this issue is not dealt with expressly, that does not mean that the issue has not been considered and determined, provided that decision can properly be inferred. That, however, will depend on the case; although the present situation was one in which it could be inferred that the judge had so assessed the matter. For instance, in relation to damages for the term extension, the judge had identified this as a "central" issue and, given that the point could potentially halve the award, the case was one where it was "inherently likely" that failure to address it could amount to substantial injustice.

Likewise, in relation to the amount of discount applied to Therapy's losses without documentary evidence and in reliance solely on Therapy's expert's memory. Since RAV had not been able to address the important issue of the deductions, the judge had found that a "serious irregularity" had ensued, and it was self-evident that an arbitrary deduction to the damages could cause a substantial injustice to RAV; had RAV been able to address the deductions, they might have been higher.

COMMENT

While the Privy Council ultimately ruled that express treatment of substantial injustice is not an absolute requirement in a challenge to an arbitral award on the grounds of serious irregularity under s.90 BAA, it will generally remain advisable to include an allegation and demonstration of substantial injustice in future applications. Ultimately, the judge's decision in this case was upheld because, on the facts, the circumstances of the injustice were particularly clear.

Although decisions of the Privy Council are not technically binding in England, they are (generally) of great weight and persuasive value insofar as they deal with common points of law. Accordingly, this decision is likely to help with the interpretation of s.68 AA 1996 (which applies to arbitrations with seat in England). ■

Feature:

BERTHA COOPER-ROUSSEAU

**[The Arbitration Branch of Africa
featured member of the week.]**



Based in The Bahamas, Bertha COOPER-ROUSSEAU is the Managing Partner at Rousseau & Cooper Law Firm and a Door Tenant of 3 Hare Court, Temple, London. Bertha is the founding Chair of the Bahamas Branch of the Chartered Institute of Arbitrators and Mid-Atlantic Caribbean Alternative Dispute Resolution Institute. She is widely recognized as one of The Bahamas' pioneers for the development of international commercial arbitration and mediation legislative reforms. She is also an avid advocate for continuous capacity building the judiciary and professionals in ADR. She is on the panel of several notable international arbitration and mediation institutions such as the International Centre for the Settlement of Investment Disputes, the Hong Kong International Arbitration Centre, British Virgin Islands International Arbitration Centre, CARIFORUM-EU Economic Partnership Agreement and the Panel of Recognized International Market Experts in Finance.

ARTICLE: THE BAHAMAS - BECOMING A MODEL LAW JURISDICTION WITH POWERS CONFERRED TO THE PCA

Introduction:

In the present Post Covid-19 climate, international commercial arbitration is poised to increase its popularity as a mechanism for the resolution of commercial disputes. Today, The Bahamas is in full gear to reinforce its footprints in the Americas as a seat and venue of choice by the imminent enactment of the International Commercial Arbitration Bill 2018, ("Bill 2018").

The Bill 2018 is based on the UNCITRAL (United Nations Commission on International Trade Law) Model Law and entrusts certain powers to the Permanent Court of Arbitration. ("PCA") based in the Hague. This new approach mirrored to a certain extent on the Mauritius International Arbitration Act 2013¹, will be the first of its kind to provide certain powers to the PCA in the Caribbean region. The seeds for the proposed legislation were sown several years ago and it is interesting to briefly examine the historical background that led to the proposed Bill 2020 in The Bahamas despite having a relatively new Arbitration Act of 2009².

¹ Available at: <https://mauritiusassembly.govmu.org/Documents/Bills/intro/2013/bill0613.pdf>

² Available at:

http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/2009/2009-0043/ArbitrationForeignArbitralAwardsAct2009_1.pdf

Background:

In 2009, The Bahamas sought to update its antiquated arbitration laws³ by enacting the 2009 Act (“BAA Act”), which is based on the UK Arbitration Act 1996⁴. It was during such time that UNCITRAL legal team led by Corinne Montineri along with strategically positioned key stakeholders in The Bahamas commenced a two-decade journey by providing technical support to successive governments of The Bahamas. The primary objective of the collaborative efforts of UNCITRAL and the Bahamian advocates was for The Bahamas to become a Model Law jurisdiction by implementing UNCITRAL Model Law on International Commercial Arbitration 1985, as amended in 2006 (the “Model Law”). As we already know that the Model Law was developed to address disparities in national laws on arbitration – disparities which are a frequent source of concern in international arbitration, where at least one of the parties is, and often both parties are, confronted with foreign and unfamiliar provisions and procedures.

The Bahamas being geographically situated between North and South America just 50 miles from the coast of Florida is surrounded by civil law jurisdiction countries. Although it offers an ideal venue to establish a regional hub, it is not sufficient to attract potential international end users to include The Bahamas as a seat of arbitration when drafting contracts. This is due in part to the uncertainty regarding the local laws by transactional lawyers from civil jurisdictions when advising their clients about the arbitral process and the selection of the seat of arbitration. In that respect, the UNCITRAL Secretariat recommended that the Government of The Bahamas considers, in any revision to the BAA, using the Model Law, which provides for an international commercial arbitration regime that reduces or eliminates the uncertainty highlighted above, and provides a comprehensive legislative text that is known and acceptable to international parties from different legal backgrounds. This was further advocated by Professor Jan Paulsson who was consultant to The Bahamas Financial Services in 2016. Therefore, acting upon the advise of the experts, on 21 November of 2018, The Bahamas International Commercial Arbitration Bill 2018 was tabled in the House of Assembly for consideration and parliamentary review.

Key Provisions of International Commercial Arbitration Bill, 2018

The Bill 2020 is based totally on the UNCITRAL Model Law as amended and is divided into eight parts having fifty-one sections. It reflects the intent of the government of The Bahamas to recalibrate its national agenda to become a seat/place of choice in the arbitral community.

One of the most striking and unique features of the proposed Bill is the Role of the PCA. Section 8 refers to the PCA as the authority empowered to function as a default authority and set aside awards without any form of provision for an appellate mechanism.⁵

Interestingly, there has arisen an inconsistency to the point of reference of “Authority” under section 8 of the Bill. This inconsistency has given rise to a conflict between Section 8 that empowers the PCA to set aside awards and section 48(2) of the Bill where such powers are reserved only to the Supreme Court of The Bahamas including an appropriate body or organ of the judicial system of a foreign court.⁶ The ADR Legislative Reform Working group based in the Bahamas is presently working to eliminate such inconsistencies. However, it would be interesting to see whether The Bahamas will expand the powers of the PCA to set aside awards that are normally reserved for domestic courts.

3 Available at: http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1899/1899-0020/ArbitrationAct_1.pdf

4 Available at: <https://www.legislation.gov.uk/ukpga/1996/23/data.pdf>

5 A close reading of section 8 of the 2018 Bill [provides that, “The functions referred to in subsections 13(3), 13(4), 15(3), 16, 18(9) and 48(2) shall be performed by the Permanent Court of Arbitration (PCA)”. The PCA is thereafter referred to throughout the 2018 Bill as “the authority specified in section 8.

6 See Section 2 “Interpretation” of the Bill. Available at <https://bahamas.gov.bs/wps/wcm/connect/51467ab4-1361-4731-89c7-7ffd5c4bfa1b/INTERNATIONAL+COMMERCIAL+ARBITRATION+BILL+2018+%283%29.pdf?MOD=AJPERES>

But, on an overall remark, the participation of the PCA is going to be very valuable in making The Bahamas an Arbitration friendly regime and provide consistency in its arbitral process and decisions.

A glimpse of a few other provisions the upcoming legislation has been drawn below:

The Bill contains the general provisions that are set out in the definition and interpretation of key terms under the Bill. The Bill further provides that this Act (currently Bill) shall be based on the Model Law. It is also interesting to note that, while defining the term 'arbitral tribunal', the Bill takes into consideration the over debated concern of 'Emergency Arbitrator' and this reflects the vision of the Policy Makers given effect by the draftsmen and their desire to make The Bahamas user friendly seat for practitioners.

The other remarkable feature of the Bill has been set out under Section 10 which provides that all agreements subject to the arbitration clause brought before a court shall be referred to arbitration and that arbitral proceedings may be commenced or continued while a matter is pending before the court. This reflects the intention of the draftsman to ensure that there is a legislative mechanism for speedy and cost-effective resolution of disputes.

The Bill also respects the principle of party autonomy as well as the rule of competence-competence i.e., the power of the arbitral tribunal to decide its own jurisdiction to try any matter.

The most interesting aspect of this Bill has been set out in Part-IV that provides for 'Interim measures and Preliminary Orders'. Under this Part the arbitral tribunal has the power to grant interim measures. Section 20 sets out the conditions under which such an interim measure can be sought from the appropriate forum. According to Section 21 of the Bill, interim measures may also be applied for by way of preliminary orders under which a party may, without notice to any other party, make a request for an interim measure together with an application for preliminary order directing a party not to frustrate the purpose of the interim measure requested.

The Bill also addresses due process to ensure that each party gets an opportunity to benefit from a fair hearing before the arbitral tribunal. The 'Recourse against Award' provision has been duly covered under Section 48 where it outlines that an application for setting aside awards can be made by either of the parties on the grounds of:

- incapacity;
- agreement being invalid under laws of The Bahamas;
- the notice of appointment of arbitrator or arbitral proceedings remain unserved to either of the parties;
- the award deals with dispute not contemplated in the agreement; or
- the composition of the tribunal was not in accordance with the terms of agreement.

Therefore, under one or more of the above reasons, an application for setting aside an award can be made before a court. Similar grounds have also been provided under the Bill to refuse 'Recognition and Enforcement of Awards'

Further, Section 51 is a kind of reservation clause where the 'Rules Committee' reserves the right to make rules under this Act (Currently Bill) as and when required.

Conclusion:

Today, The Bahamas has an opportunity to become a preferred international arbitration venue in the Caribbean region an amended International Commercial Arbitration Bill 2020 is scheduled to be tabled in Parliament by the Minister of Financial Services, Elsworth Johnson in the coming months. Chief Justice Sir Brian Moree QC applauded and called The Bahamas' move towards becoming an international center for arbitration and alternative dispute resolution (ADR) is not only important for the commercial life and economy of the country, but is also a critically important part of the administration of justice and the court system.⁷

The ongoing debates in The Bahamas reminded me of a leading Jamaican arbitrator J.M. Stoppi, who in 2001, lamented the dearth of modern Caribbean regulation of arbitration and stated his hope for eventual reform. Twenty years later, we have witnessed much of an awakening of ADR legislative reforms in certain jurisdictions in the region, but it must be said that there remains a lot more work to be done the trenches to boost and strengthen domestic and international ADR mechanisms. ■

⁷ Available at: <https://thenassauguardian.com/chief-justice-adr-critical-to-economy-and-administration-of-justice/>

Upcoming Events



2021-2022

DATE

EVENT

October 7, 2021

Mediation Symposium 2021

Save the date for the 14th Mediation Symposium, a one-day flagship event which will focus on the theme '*Inclusion and exclusion in mediation: Choosing to challenge?*'

This year's symposium is an international learning exchange on challenging and changing exclusion in mediation practice, research and usage. Now in its 14th year, this annual event will continue to draw together presentations and deliberations around the evolving world of mediation.

September, 2021

Mock Arbitration Hearing

Date will be announced on our social media platforms.

December 4, 2021

Paid Webinar - Drafting Contracts with ADR Clauses

Event Highlight



CI Arb
evolving to resolve

CI Arb Bahamas Branch Presents

CI Arb and ADR Courses



Guest Speaker
ANN RYAN ROBERTSON
President of CI Arb International

29th July, 2021
6 pm EST

JOIN US ON



Meeting Code: 874 4057 8822
Password: 588360



Q & A

WITH EXCOM CHAIR 2021-2022 RENGIN JOHNSON

Tell us about yourself and what motivates you?

A. I was born in Istanbul, Turkey and educated from the age of 10 in the United Kingdom. Graduated with a Law Degree from North London University in 1979, and in 1983 completed the Counsel of Legal Education Program and training and was called to the Hon. Lincoln's Inn Bar England and Wales as Utter Barrister.

I came to The Bahamas during December 1979 on a short visit as the wife of a qualified Barrister, a member of Middle Temple from 1981, late Lloyd C Johnson, BA/MA, from the Island of Eleuthera.

After becoming a Bahamian citizen, in 1992, I was called to the Bahamas Bar and joined the law firm of Callenders & Co, working in the litigation department with Mr. Fred Smith QC.

In 1995 I was invited to join the Judicial Dept as an S&C Magistrate at Court 3 Freeport, the Family Islands, and Circuit Justice. In 2000, I left the Judiciary as the Deputy Chief Magistrate to establish my Law Firm practice, Ayse Rengin Dengizer Johnson & Co. My son Osman Rasin Johnson LLB, LLM Barrister and Attorney at

Law, member of the Hon Middle Temple and the Bahamas Bar since 2000, joined the family law firm in 2011.

In my professional and social life, I have been motivated to help persons with legal aid through a radio program called "Scales of Justice" from the 1990s through to 2015.

I became a Life Member of the International Federation of Women Lawyers (FIDA) and the former Country Vice President. Attended United Nations as part of the Bahamas Delegation CSW63 and FIDA member. Acted as the past Director and member of the Grand Bahama Chamber of Commerce since 1994. Member of Rotary since 1996, past President and Asst District Governor, Florida District 6990 during 2018-2019. I have been a member of the CIArb Bahamas Branch since 2012 and this year became a CIArb registered Fellow Chartered International Arbitrator.

During 2021 became an active member of the New Life Apprentice 5-month Program and acted as a Counsellor and Mentor for youth group ages 10-20.

It has been my DNA to have compassion for humanity, treating people with respect and

Q & A WITH EXCOM CHAIR 2021-2022

RENGIN JOHNSON

without ill-will. World peace and supporting clean Earth has been my life platform.

It has been my adopted family principle to give service with integrity, transparency, and efficiency. Therefore, I have adopted the Motto, "Nobody is Above the Law", Oliver Cromwell, lord protector of England, Scotland, and Ireland (1653-1658).

I respect leaders such as Nelson Mandela, who sacrificed his liberty and negotiated for freedom and equality for all the citizens of South Africa. Mahatma Gandhi, the former president of India, a man of peace, spiritual and a political leader. Martin Luther King Jr., a civil rights activist with his dream, strived to eradicate segregation and racism.

How did you get involved with ADR?

A. I have experienced ADR as a child in Turkey; the culture and the norm dealt with disputes relating to domestic, commercial, etc., matters in the community by adopting negotiation or mediation principles. The key persons of ADR were the members of the family or the town Matriarch.

As an adult, I became aware of ADR through the articles I read. However, during the late '70s and early '80s, whilst attending university, the law school, and member of Lincoln's Inn 1983, our curriculum did not include ADR Courses.

My introduction and interest in ADR crystalized when I met Barrister, Attorney at Law Ms Bertha Rousseau, during 2009. As a result, I was invited by Ms Rousseau to attend the official launch of the Bahamas Chapter on 7th June 2010 in Nassau. During 2012, the CIArb Bahamas Chapter was promoted through the hard work of Ms Rousseau and other members of the executive committee to become the CIArb Bahamas Branch and Ms Rousseau was elected as the 1st Chair of the Bahamas Branch.

Since 2012, the Branch members grew, and today there are over 50 members, of whom 16 Fellow Chartered International Arbitrators. In 2020, the

past Chair, Ms Cherise Cox-Nottage, created with her committee the Bahamas Branch first Adjudicator newsletter. We are very proud to have members who are top qualified tutors and assessors, and Fellows of the Branch. This includes the former Justice Rubie Nottage, Ms. Kelphe Cunningham, Ms. Caryl Lashley, and the first Chair, Ms Bertha Rousseau.

As the new Chair, what is your vision for the Bahamas Branch.

A. To promote ADR as an alternative to judicial litigation, to protect the CIArb's professional standards and values, expanding membership, network with Branches and ADR Institutes, Arbitration Centre with qualified admin officers. Form a Chapter by the members residing in Freeport, Grand Bahama. Also, to complete and expand ADR legislation and rules.

What are your Main Goals or Plans for 2021-2022?

A. To continue with education and training in ADR following CIArb Pathways Programmes. Networking, knowledge, and opportunities through local, regional, and global events. Increase membership through recruitment campaigns for new members of professional backgrounds and capabilities in commerce, judicial, industry, and services. To strengthen the structure for the Branch, succession planning with initiating development actions to support the Branch's network structure. To solve problems for the members by finding solutions, working with external organizations, to promote a broader knowledge of ADR through a range of events and publications. Organize events locally and be part of international conferences. Promoting equality, diversity and recommended protocols for communication. To comply with the CIArb Governance Structure, Branch Model Rules included in the Regulations. To market, promote and create positive communications by complying with the purpose, values, and strategies of CIArb. Complete the ADR Legislation and Rules. Effectual and unified team working with the committee members by upholding key responsibilities and values.

By the achieved goals of the Branch with ADR, we

Q & A WITH EXCOM CHAIR 2021-2022

RENGIN JOHNSON

shall have a positive impact financially and commercially in our Country. It will also support and assist with the responsibilities of the Judicial Department and the Government Branches.

How has the pandemic shaped a new ADR Landscape and how ready is the Bahamas to meet the demands of this of this new normal?

A. The positive impact of the Pandemic has made it possible through social media to link and connect the CIArb family to continue to function without interruption with its responsibilities and plans. Further, we were able to attend global Webinars, Conferences and conduct ADR courses, training without travelling, therefore decreasing the costs and time period to complete courses.

Courses in Arbitration, Mediation, Adjudication, and Negotiation, were conducted through Zoom meetings and other social media tools.

The Bahamas Branch, since the Pandemic, has conducted several Webinars, Courses and Training, which included ADR programs and assessment with EDLS law Students. The Branch members have also attended the 2-day Caribbean District Triennial Conference designed by the Caribbean District.

Pre the Pandemic, some of the Branch members could not participate in local or international ADR courses due to travel costs and any other reasons.

The popular online meetings have made it possible locally and globally to participate in all CIArb events and courses. The Bahamas has adapted to the Pandemic's effects economically and health-wise but was not as challenged by its effects compared to the rest of the other countries and its citizens.

Since the islands of the Bahamas are divided by water, it was positively affected social distancing and complying with the emergency orders.

When necessary, the government departments and the Judicial Systems full-time services to the public were suspended due to health and safety until the mandated measures were suspended.

What are your plans to drive the goal to have an Arbitration Centre in the Bahamas? Are there suggestions for attracting stakeholders post covid?

A. It would be ideal to use social media as a platform to encourage our Country to support the CIArb Branch to create an Arbitration Centre in the Bahamas as an income industry that will be used and supported by local and global clients who seek to resolve their disputes by ADR in our safe and educated jurisdiction.

CIArb is a community of over 21,500 members based in 149 countries and supported by an international network of 41 Branches.

The stakeholders are an integral part of our success in creating an Arbitration Centre. It will have a positive impact as a new industry regarding the impact of international investments in our economy and therefore advancing commercial and financial advantages to our Country.

ADR Centre shall also assist the public, legal profession, and the judicial system as a support to its overload of cases to be reduced in particular disputes relating to industrial, maritime, environmental, medical, trust, construction, juvenile, domestic, trade, pharmaceuticals, patents, employment, personal injury, etc. Therefore, the Branch has to network and continue to pursue its goals until the Bahamas Branch has established the Arbitration Centre in our nation and the benefit of its people.

What are the plans for training and preparing additional Arbitration practitioners in the Bahamas?

A. It is the mandate of the Branch following the primary objectives of CIArb that it will promote and facilitate ADR courses and training. Our role as the Branch is to continue to grow our membership with service above self to create Branch organized courses and training that are relevant, in demand. To also consider the cost of the courses and training that is sustainable and proportionate by reference to CIArb.

It was discussed with Senior CIArb Branch

Q & A WITH EXCOM CHAIR 2021-2022

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members that the Branch will organize a course in commercial mediation, adjudication. The Chair will also ask the Branch members about the ADR courses they wish the Branch to organize.

To become an Arbitration practitioner, you must comply with the pathways programmes for arbitration, adjudication, and mediation.

The CIArb also provides training programs in domestic, international Arbitration, construction adjudication and commercial mediation. Further, subject to completion of the courses, the member must have experience in a domestic or international experience as an Arbitrator, Adjudicator, and a Mediator to practice as a professional Arbitrator, Mediator and Adjudicator.

For further information, it is recommended that an interested applicant review the CIArb on the website and call the Branch for more information.

What kind of career ADR opportunities are available to non-legal ADR professionals? Is it possible that such persons may provide a different skill set to legal professionals?

A. ADR pathway courses and training will be available for non-legal professionals to become practitioners, tutors and assessors in CIArb courses. This will apply to mediators, arbitrators, and adjudicators for the parties to use their services and the institution to recommend them for such roles.

These roles include family law facilitator, custody mediator, healthcare mediator, school violence mediator, sports mediator, counsellors, therapists, human resource managers.

Arbitrators are used in family matters, for example, child maintenance, property or finance, employment disagreements, commercial disputes, sports disputes, maritime or shipping disputes.

Adjudication opportunities are available in the Bahamas on projects large and small with contractors, owners, design professionals, architects, engineers, quantity surveyors, and other third parties.

What is the time frame of the Arbitration Centre?

A. The history and success of the Bahamas Branch are due to the dedicated efforts of its Chairs, the Executive Committees and Members. From the inception, the main goal of the Branch is to become the Arbitration seat by becoming an Arbitration Centre. We shall not give up our vision and goal until it is accomplished.

In our favour, the Branch is located in a country that is recognized internationally for its peaceful politics, successful economic status with industries such as maritime, container/seaport, vessel registration, ship repairs, cargos, pharmaceuticals, oil refinery, banking, tourism, farming and fisheries, banking.

Its geographical location is next to friendly, wealthy Nations; the USA, Canada, and South America.

Bahamas Branch is recognized amongst top International Institutions, Arbitrators, Mediators and the Legal fraternity.

The Branch has been supported and encouraged by the people of the Bahamas with its goals which include and not limited to our Chief Justice, Sir Brian Moree, the Hon. Elsworth N. Johnson Minister of Financial Services, Trade and Industry and Immigration, and the President of the Bahamas Bar Association Kahlil Parker.

The Arbitration Centre for the Bahamas is priceless for the progress with ADR. We shall pursue our goal until it is accomplished. ■



A Note from The Editor



We are pleased to present the second issue of *the Adjudicator*. We had a number of challenges in bringing this to fruition but with persistency and fixity of purpose we were able to complete this. Thanks to everyone who contributed to this issue and we look forward to future contributions. Thanks to Bahama Brand Crush for the design.

Our dream is to have this Branch Newsletter to become the leading source of dispute resolution information for people and professionals entangled in conflict.

We need to deliver *ADR news, commentary, expert analysis, expert help, and guidance* on a full range of topics – to help you resolve disputes – without litigation. As we prepare for the next Issue we need your articles by March 30, 2022. To submit articles please email us at ciarbbahamasetc@gmail.com.

Please follow us on Facebook, LinkedIn and YouTube as we keep you updated on the activities of the Branch and visit our website for more information at <https://www.ciarb.org/our-network/americas/bahamas/>.

Cheers,

Doneth Cartwright

Doneth Cartwright MCI Arb
2nd Vice Chair - Bahamas Branch .