

## Course Information

### Applied Arbitration For Fellows (AAFF) – 8 & 9 June 2024

#### What is the aim of the AAFF programme?

The programme is for Fellows of the CI Arb who have not yet had practical experience of being an arbitrator and who wish to develop their skills and knowledge in a realistic simulation of an arbitration proceeding, under the guidance of highly experienced and respected arbitration practitioners.

#### What are the learning outcomes?

Using realistic documentation, participants will assume the role of arbitrator on a three-member Tribunal, and in doing so gain first-hand experience of effectively managing and appropriately engaging with co-arbitrators, counsel, experts and fact witnesses.

Participants will increase their knowledge of arbitration practice and develop the confidence to:

- Plan and manage arbitration proceedings efficiently.
- Interpret and give effect to applicable arbitration rules, laws and procedural guidelines.
- Identify and address common problems in *ad hoc* and institutional arbitral proceedings.
- Establish constructive relations with all other participants in an arbitration.

#### How is the programme delivered?

The programme will be delivered in person at the H Hotel, Dubai. Materials will be shared ahead of and during the proceedings.

The Course Director is Philip Punwar. The faculty will comprise practicing arbitrators and arbitration counsel with significant regional and international arbitration experience.

| Course Directors | Chartered Arbitrators   | Counsel  |
|------------------|---|--|
| Philip Punwar    | Zeina Obeid <sup>1</sup><br>Michael Tonkin<br>Robert Sliwinski <sup>2</sup> | Antonia Birt<br>Julian Cohen<br>Slava Kiryushin<br>Nesreen Osman |

## What are the entry requirements?

Candidates must:

- **Be a Fellow of the CIArb.**
- Preference will be given to Fellows who have not already been appointed as an arbitrator.
- Be willing to assist with the evaluation of the course by providing open feedback during a session on the final day of the programme.

## How much is it to participate and what is included?

The attendance fee for the AAFF is AED 10,000, which includes all course material, tea/coffee breaks, lunches, dinner on Day 1 and a certificate of completion.

## How do I apply?

Please submit your application no later than 3 May 2024 to [khalliday-UAE@ciarb.org](mailto:khalliday-UAE@ciarb.org).

Your application should confirm that you comply with the entry requirements set out above and should also provide a statement of no more than 250 words explaining why you would like to participate.

## What happens when I apply to participate?

CIArb will provide confirmation of receipt of the application. Once your place is confirmed (which will be within 7 days thereafter) you will be requested to make payment of the full attendance fee within 7 days of our confirmation of your place.

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<sup>1</sup> UAE Branch Committee Member

<sup>2</sup> UAE Branch Chair

Following payment, the programme materials will be issued on or about 24 May 2024, along with the contact details of all Fellows who will be participating. The course is limited to a maximum of 12 Fellows.

### **What is CI Arb's cancellation policy?**

Cancellation of the Applied Arbitrators for Fellows programme must be made in writing to [khalliday-UAE@ciarb.org](mailto:khalliday-UAE@ciarb.org).

The following cancellation policy will apply:

- If a registration is cancelled less than 21 days before commencement of the programme, 100% of the fee will be payable.
- If a registration is cancelled 21 or more days before commencement of the programme, 50% of the fee will be payable.

Where the CI Arb cancels the programme, candidates will be provided with a full refund.

CI Arb reserves the right to amend the programme at any stage.

## Programme

| Date / Time                         | Preliminary and procedural meetings   |
|-------------------------------------|---|
| <b>Saturday 8<sup>th</sup> June</b> |   |
| 8.45 am                             | Introduction <b>plenary</b>   |
| 9.00 am                             | Preliminary Meeting before a panel of three Chartered Arbitrators <b>demonstration</b>  |
| 9.45 am                             | Chartered Arbitrators' deliberations <b>demonstration</b>   |
| 10.00 am                            | <b>COFFEE</b>   |
| 10.20 am                            | FCIArbs' pre-meeting  |
| 10.35 am                            | Preliminary Meeting FCIArbs <b>role play</b>  |
| 11.35 am                            | FCIArb's deliberations and Directions of the Tribunal in public <b>role play</b>  |
| 11.50 pm                            | FCIArbs' pre-meeting  |
| 12.05 pm                            | Procedural Meeting - Challenge to the Jurisdiction of the Tribunal FCIArbs' <b>role play</b>  |
| 12.50 pm                            | FCIArbs' deliberations and Ruling of the Tribunal in public <b>role play</b>  |
| 1.00 pm                             | <b>LUNCH</b>  |
| 2.00 pm                             | Debrief <b>plenary</b>  |
| 2.30 pm                             | FCIArbs' pre-meeting  |
| 2.45 pm                             | FCIArbs' Procedural Meeting on factual/expert witness timetabling/hearing programme to include deliberations and Rulings in Public <b>role play</b> |
| 3.30 pm                             | FCIArbs' deliberations and Ruling of the Tribunal <b>role play</b>  |
| 3.45 pm                             | FCIArbs' pre-meeting  |
| 4.00 pm                             | Pre-Hearing Application - disclosure/hearing bundles/postponement of Hearing FCIArbs' <b>role play</b>  |
| 4.45 pm                             | FCIArbs' deliberations and Ruling of the Tribunal <b>role play</b>  |
| 4.45 pm                             | <b>COFFEE</b>   |
| 5.15pm                              | Debrief, how was it for you? Setting the agenda for the first in depth review on Sunday morning <b>plenary</b>                                      |
| 5.45 pm                             | <b>FCIArb's Prepare Procedural Order 1</b>  |
| 6.45 pm                             | <b>FCIArb's Submit Procedural Order 1</b>   |
| 7.30 pm                             | <b>DINNER</b>   |
| <b>Sunday 9<sup>th</sup> June</b>   |   |
| 9.00 am                             | Reflection / Q&A on day 1 <b>plenary</b>  |
| 9.30 am                             | Discussion on Procedural Orders <b>plenary</b>  |
| 10.00 am                            | <b>COFFEE</b>   |
| 10.30 am                            | FCIArbs' pre-meeting  |
| 10.45 am                            | Opening speeches at the Evidentiary Hearing, to the FCIArbs <b>role play</b>  |
| 11.30 am                            | FCIArbs' pre-meeting  |
| 11.45 am                            | Witness evidence - at the Evidentiary Hearing, to the FCIArbs Tribunal - <b>role play</b>   |
| 1.00 pm                             | <b>LUNCH</b>  |
| 2.30 pm                             | Discussion on assessing and awarding costs based on the experiences of the two days of training <b>plenary</b>                                      |
| 3.30 pm                             | Reflection/Q&A <b>plenary</b>   |
| 4.30 pm                             | Feedback and evaluation (mandatory)   |
| 6.00 pm or earlier                  | <b>CLOSE</b>  |

## What previous participants had to say

*"Always delivered with flair and good humour, I found the Applied Arbitration Course for Fellows to be both rigorous and immersive, giving me an authentic arbitration experience that far exceeded my expectations. I was particularly impressed by the careful efforts made by the training team to tailor the tuition and feedback that suited each student's individual experience and needs. Also most helpful was the access I had to experienced practising arbitrators, enabling me to develop an arbitration network. I thoroughly recommend this exceptional course to anyone seeking to advance themselves in the world of international arbitration."*

*"The Applied Arbitration course provides a rare opportunity to deal with practical issues in arbitration as a sitting arbitrator. This type of experience is invaluable and an excellent next step and complement to the theoretical training that Fellows would have already received."*

## For future FCIArb participants

*"One thing I wish I had known before the course is the importance of collaboration with your tribunal team members. I would have found time to get to know my fellow tribunal team members before the first session as then collective decision making would have been more effective throughout."*

*"One thing I wish I had known [was to] Focus on the practical training, this is the real value of the course. The theoretical points that come up are interesting and useful but can always be researched and learned separately, there is no way to replicate the practical experience of sitting as an arbitrator."*

## Course Director



**Philip Punwar** is an English qualified practitioner with more than twenty-five years' arbitration experience. He has been resident in Dubai since 2005. Philip has represented clients before most major arbitral institutions, as well as in ad hoc proceedings. His recent arbitral engagements have concerned real-estate Mega Projects in the Gulf, investment treaty claims arising out of the MENA and South Asia regions, aircraft charter agreements, concession agreements in the water sector and technology disputes in the finance and healthcare sectors. Philip has acted as sole, party nominated and presiding arbitrator in ad hoc, ICC, DIAC and LCIA arbitrations seated in the Middle East and Europe. He is a member of the Abu Dhabi Global Markets (ADGM) Panel of Arbitrators and the International Panel of the Arbitration Foundation of Southern Africa (AFSA).

Philip was born in the English County of Kent and called to the Bar of England & Wales in 1989. He was elected an Honorary Overseas Member of COMBAR in 2010 and a Master of the Bench of the Inner Temple in 2013. In addition to being a practising Barrister, Philip is a Chartered Arbitrator (CI Arb, 2001) and an Accredited Mediator (CEDR, 2010). He is an Inner Temple Advocacy Trainer and the former DIFC Courts' Director of Advocacy Training. Philip has been a member of Outer Temple Chambers since October 2022. Prior to returning to independent practice as a Barrister, he was a Partner in the International Disputes Group at Baker Botts LLP (2013-2022) and the International Arbitration Group at Fulbright & Jaworski LLP/Norton Rose Fulbright US LLP (2009-2013).

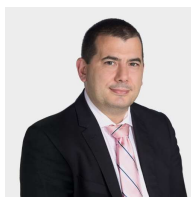
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## Tutors:



**Robert A Sliwinski** is a Barrister, Chartered Arbitrator, Mediator and Dispute Board Member with 35+ years' experience of the construction and engineering industries. Robert initially qualified as a Chartered Quantity Surveyor before qualifying as a practising Barrister. Having worked in many different arenas around the world, as both counsel and dispute resolver, he is able to provide a unique view of the worldwide ADR arena today. Robert is based in Dubai and London, acting as Independent Legal Counsel representing clients in both domestic and international disputes. Through ArbDB Chambers in London Robert acts as Arbitrator, Mediator, Adjudicator and Dispute Board Member. He has been involved in wide range of commercial and

contractual disputes within the fields of construction, civil engineering, process plant, etc as well as general commercial disputes. Robert is the current Chair of the UAE branch of the Chartered Institute of Arbitrators and works hard to promote all forms of ADR in the region.



**Michael Tonkin BSc DipArb DipLCI Arb FRICS FCI Arb FCI OB FDBF MAE CARb** is a Chartered Quantity Surveyor, Chartered Arbitrator, CEDR Accredited Mediator, RICS Accredited Expert Witness and testifying Expert Witness in quantum with 30 years of experience in the construction industry. He leads HKA's Expert Services practice for the Middle East, Asia & Africa. Michael has been appointed as Arbitrator on more than 60 occasions (as sole Arbitrator, Chairman of a tribunal of three, and Co-Arbitrator) under the auspices of ICC, LCIA, DIAC, ADCCAC and the TAI. He is a listed panel member for the following arbitral institutions: DIAC, LCIA, ADCCAC, ADGM, QICCA, CI Arb, RICS President's Panel, HKIAC, SIAC, KCAB, KLRCA, EMAC and TAI. He also acts as dispute

resolver in other ADR such as adjudication and DAB's and is a member of the DRBF. Michael is an "Arbitrator" Member of the Society of Construction Arbitrators and the current Honorary Treasurer. He is the current Honorary Secretary of the Chartered Institute of Arbitrators having previously been a Trustee and Honorary Treasurer, as well as a past Chairman and past Vice Chairman of the UAE Branch. Michael is a committee member of the Academy of Experts. He acts as an expert witness in quantum (testified 11 times) and has been instructed around forty times as a party appointed Expert Witness, a single joint Expert Witness and a Third Party Expert Evaluator on disputes up to US\$4bn in value. He has given oral testimony in traditional cross-examination as well as concurrent evidence/hot-tubbing. Michael often acts as "Coordinating Expert" across several disciplines of expert. He is named in Who's Who Legal (WWL) Global Leader – Construction Expert Witness 2020.



**Dr. Zeina Obeid** is a Partner at Obeid & Partners, where she practices in the litigation & Arbitration department. She has acted as lead counsel in major international arbitration cases across the Middle East and North Africa region. She also acts as arbitrator and as an administrative secretary in several domestic and international arbitrations, both ad hoc and under international institutional arbitral rules, including those of the ICC, DIAC, LCIA, CRCICA, BCDR-AAA, and DIFC-LCIA. Zeina holds a PhD from the University Panthéon-Assas (Paris II) in France and an LLM from Columbia University in New York. She also holds a dual Master II in Business Law in the Arab Countries as well as in Arbitration & ADR obtained at the University Paris II and a Masters in

Lebanese Law from the Lebanese University. She frequently publishes articles on various topics notably in arbitration. In 2017, she published her book "Setting aside arbitral awards in the Arab Countries", which has been cited as a reference book for practitioners around the MENA region. She is a Fellow of the Chartered Institute of Arbitrators (CI Arb), accredited tutor and committee member of the CI Arb UAE branch member. She is also member of the ICC Commission on arbitration & ADR and member of the International Bar Association (IBA) where she holds the position of co-vice chair of the IBA Young Lawyer's Committee and has previously acted

as the Middle Eastern representative of the IBA Anti-Corruption Committee. Zeina is qualified to practice law both in Beirut and Paris and licensed in Dubai by the Legal Affairs Department. Zeina is fluent in Arabic, English and French.



**Antonia Birt**, Partner, Reed Smith LLP, Dubai, acts as counsel and advocate in commercial and construction arbitrations for state, national and multi-national clients, with a focus on commercial, distribution, corporate, energy, oil and gas, infrastructure, and engineering disputes. She advises on the full cycle of complex, high-value disputes, from settlement negotiations, mediations, and other alternative dispute resolution methods, to formal dispute resolution proceedings and enforcement. Antonia has represented clients under the major arbitral rules, including the ICC, LCIA, DIFC-LCIA, DIAC, ADCCAC and UNCITRAL Rules. Antonia also acts as arbitrator, having previously sat as sole or co-arbitrator in ICC, DIFC-LCIA and DIAC arbitrations. Since 2019,

Antonia teaches the International Arbitration Practicum to LLM students at the Pantheon Assas University Paris II, UAE. She also acts as co-chair for both the Equal Representation in Arbitration Pledge MENA committee and the Campaign for Greener Arbitrations MENA committee. Antonia is a member of the IBA Commercial Arbitration Case Law Sub-Committee responsible for the UAE, having previously co-authored the original and updated editions of the IBA Guide on Arbitration, UAE law chapter. Antonia completed an LLM at the University of Cambridge, and is admitted as a Solicitor of England and Wales, Part I and II practitioner of the DIFC Courts, and a foreign practitioner in Dubai, having been based in Dubai for over 12 years.



**Julian Cohen** is a Barrister and Arbitrator specialising in construction, engineering and energy disputes. He has been active in the MENA region since 2009, and extensive experience of heavy weight disputes throughout the region both arbitrator and as counsel. He has been involved with disputes involving: Dubai, Abu Dhabi, Oman, Qatar, Kuwait, Saudi Arabia, Yemen, Iran, Sierra Leone, Mali, Benin, Egypt, Ethiopia, and Turkey. He is ranked by legal directories as being one of Hong Kong's leading construction counsel (Doyle's Guide and The Legal 500) and top arbitration practitioner (Who's Who Legal: China and Hong Kong) and commercial disputes counsel (The Legal 500). Following the end of the pandemic, Julian has renewed his longstanding commitment to MENA and is physically in the region for a substantial period each month. Sums

in dispute in his arbitrations range from modest to upwards of USD 2 billion.



**Slava Kiryushin** is a Partner and the Global Co-Head of DWF's Infrastructure, Construction and Energy based in our Dubai office. He is a solicitor advocate who advises on dispute avoidance and resolution of energy, construction and infrastructure matters throughout the MENA region, with a particular specialism in EPC contracts related to oil and gas processing, refining and petrochemical infrastructure in the Middle East. Slava was previously General Counsel of Lukoil in the Middle East (owner / operator) focussing on dispute resolution relating to all of Lukoil's major oil & gas and EPC infrastructure projects with a combined value in excess of US\$2bn. The Association of Corporate Counsel nominated him and his team as the Global Litigation

Team of the Year 2016. Slava has Part II appearance rights (restricted) to appear before the DIFC courts, is a member of most international arbitration bodies and is a founding member of the DMCC Energy Club. He speaks at international conferences and serves as an arbitrator. Slava is also a certified PRINCE2 and PRINCE2 Agile project manager.



**Nesreen Osman** is a Partner at Pinsent Masons in Dubai specialising in construction and engineering disputes. Nesreen has practiced in the Middle East for 10 years and acts on behalf of employers, main contractors, subcontractors and consultants from various parts of the world including the GCC, Europe and Asia. She has extensive experience in complex, high value international arbitration in the infrastructure and energy sectors. Nesreen was ranked as a Next Generation Partner in the Legal 500 EMEA 2021 and 2022 rankings for UAE Construction. Nesreen also sits as an arbitrator and is a member of the Board of Directors of ArbitralWomen.