

ARBITRATION ADVANTAGES AND DISADVANTAGES

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In dispute? What are your options?

- Negotiate
- Court or arbitration?
 - Restricted by what has already been agreed in the contract.

Why choose Arbitration?

- Privacy
- Flexibility of procedure
- Speed
- Cost
- Trade arbitrators
- Limited avenues for appeal
- Enforcement : New York Convention

Disadvantages

- Privacy – Not a precedent
- Flexibility – Can lead to uncertainty
- Speed – Scope for delay by parties or arbitrators
- Cost – You pay for the arbitrators and for meeting rooms/travel
- Trade Arbitrators – Variable expertise, may not know the law
- Avenues for Appeal – Bad if you lose and award wrong
- New York Convention – Not as successful as hoped

Improving the arbitration experience

- Know the procedural rules
- Choose your arbitrator
- Prepare your case:
 - Say what the contract required
 - Say what happened
 - Say what you claim
 - Provide evidence
 - Consider alternative arguments

Panel – Making Sense of Arbitration

Chair

Stephen Thompson
Holman Fenwick Willan
Partner, Melbourne

Panel

Roger Rookes
Independent International Arbitrator

Chris Whitwell
GrainCorp
International Sales & Marketing Manager

Chris Lockwood
Holman Fenwick Willan
Partner, Melbourne



