



The School of International Arbitration –30 years at the forefront

The School of International Arbitration (the SIA) at the Centre for Commercial Law Studies, Queen Mary University of London (QMUL) turns 30 this year. Ahead of the 30th Anniversary Conference, 'The Evolution and Future of International Arbitration: The Next 30 Years', distinguished members of the SIA's faculty and leading arbitration practitioners discuss the school and its position on the field of international arbitration.

Professor Julian Lew QC Head of the SIA and arbitrator at 20 Essex Street

Professor Loukas Mistelis Director of the SIA and the Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration

Professor Stavros Brekoulakis Professor in International Arbitration and Commercial Law at the SIA

Dr Debbie De Girolamo Senior lecturer in law at QMUL

Professor Phillip Capper Partner and head of international arbitration at White & Case in London

Dr Laurence Shore International arbitration specialist and a partner in Herbert Smith Freehills' New York City office

Dr Stefan Kröll International arbitrator, lecturer and co-director of the Willem C. Vis Arbitration Moot

Alexis Mourre Partner at Castaldi Mourre & Partners and vice president of the ICC International Court of Arbitration

The SIA was founded in 1985 to promote advanced teaching and research in the law and practice affecting international arbitration. What were the founders' aims? How have they been achieved?

In anticipation of the conference, *Professor Julian Lew QC*, founder and Head of the SIA, reflects on the school's origins and its place on the field of arbitration: International arbitration has developed significantly since I conceived the idea to establish a specialist school within the Centre for Commercial Legal Studies (CCLS). In 1980, Sir Roy Goode founded the CCLS to reflect commercial law's academic importance and contribution to global business and government. At that time, the study and practice of international arbitration had not attained its current mature form: I was one of only a few practitioners in London to specialise in international arbitration work, and there were no university programmes dedicated to arbitration teaching and research. I recognised international arbitration's great potential and, with Professor Goode's support, we established the SIA in 1985, the first of its kind and the forerunner for other programmes around the world. I have been the Head of the SIA and involved with teaching our students ever since.

The SIA was established to promote advanced teaching and research in the law and practice affecting international arbitration. The SIA has moved from the instruction of small groups of students to teaching around 120 postgraduates a year from across the world. The SIA, its faculty and students, including our 30 PhD completions, have made important contributions to the science of arbitration and it is our aim to continue the pursuit of excellence in this field.

Director of the SIA, *Professor Loukas Mistelis*, also considers the school's history and discusses the breadth of the SIA's teaching and research programmes: The founders' aims were to create a focal point for the advanced study and research of international arbitration. In 1985, international arbitration was not recognised as an independent research area and was either aligned to civil procedure or international business law. Now it is firmly on the curriculum, at least at postgraduate or masters level, of most prominent law schools in the world—a testament to the global acceptance of the founding idea of the SIA. I joined the SIA in 1998 and became its Director in 2003.

Since 1985, QMUL and the SIA introduced several new courses, have developed a specialist LLM programme, a pioneering postgraduate diploma, a postgraduate distance learning programme, a successful PhD programme (with 30 PhD completions so far) and a series of workshops, seminars and conferences. We have also developed critical mass with ten members of staff for the arbitration programme and less reliance on adjunct faculty.

How has the teaching of international arbitration changed over the course of the SIA's history?

Professor Stavros Brekoulakis: The teaching of arbitration has become more specialised and diverse in the last 30 years. For a start, there was no teaching of international arbitration (at least at a university level) when the SIA was established in 1985. QMUL was the first university to include an international arbitration course in its LLM programme. In fact, it continued to be the only law school teaching international arbitration until the early 2000's, when a number of law schools in London, Europe and in the US started offering courses on international arbitration.

Furthermore, while originally only international commercial arbitration was taught, today a number of specialised arbitration courses are offered. At the SIA, for example, we teach courses on international commercial arbitration, international construction arbitration, investment arbitration including dispute resolution in WTO, energy arbitration, ADR, and we are in the process of introducing courses in insurance arbitration and shipping arbitration. Universities are responding to the needs of the market and the new LLM students who have become increasingly more sophisticated. While originally LLM students would mainly choose one general course on international arbitration as part of their commercial or business law LLM studies,

today students tend to prefer specialised LLM degrees, such as an LLM in international dispute resolution, with three dispute resolution modules.

Professor Mistelis also considers how teaching at the SIA has evolved:

To begin with, our postgraduate student numbers were small (20 or so students) and drawn from Europe and the UK. Our main arbitration course has now more than 120 students and the specialist courses around 50 each. In addition to lectures/seminars, we now offer tutorials and classes, which are recorded and available online. We also have an innovative class materials website. We also focus on a number of extramural activities which complement the main academic teaching.

Professor Lew QC highlights how, over the last thirty years, the SIA has moved with development of international arbitration: Teaching and research at the SIA has adapted to the significant development of international arbitration since 1985. International arbitration offers international businesses with a true alternative to resolving commercial disputes through court proceedings. Recognition of this fact is reflected in the proliferation and growth of international arbitral institutions across the world where parties can have their disputes heard and resolved in private rather than feeling constrained to litigate in centres traditionally associated with a Western world view. Our teaching and research moves with, and contributes to, the development of international arbitration as a progressive form of dispute resolution.

Senior lecturer at QMUL, *Dr Debbie De Girolamo*, discusses the SIA's links with practice and the strengths of its academic staff: With the growth and predominance of international arbitration processes in complex commercial disputes, teaching methods have benefitted from an integration of practitioner and academic approaches. The academics from the SIA are also well-respected arbitrators and as such, provide valuable practical insight to the application of academic theories. Furthermore, as a result of the good relationships SIA has developed with commerce and legal practice, experienced legal counsel, corporate executives and arbitrators deliver lectures, engage in panel discussion and offer mentoring and training opportunities.

What distinguishes the SIA from other institutions in this field?

Professor Phillip Capper, head of international arbitration at White & Case, provides his views on the SIA's proposition: The SIA is, on any view, the world leader in this field. Not only is it long established but it has consistently attracted a multinational, multijurisdictional course group. It has also had a rich and successful stream of doctoral candidates over the years—including Professor Brekoulakis—who have made a great contribution to the field.

Professor Brekoulakis provides an insider's view on what makes the SIA different:

The SIA is the first school dedicated to the teaching and studying of international arbitration. There are two features that distinguish the SIA from other institutions in this field. First, we offer the widest range of international arbitration courses. While many schools teach commercial and investment arbitration, very few teach construction arbitration or energy arbitration or shipping arbitration, and I believe no other school offers all these options together.

Secondly, while arbitration in most schools is taught by adjunct professors, arbitration at the SIA is mainly taught by full-time professors, who are dedicated to the teaching of international arbitration and fully engage with students in classroom as well as in a wide range of arbitration related activities, such as the Willem Vic Moot Court, the Frankfurt Moot on Investment Arbitration etc. In addition, we have adjunct professors, from law firms, such as Audley Sheppard QC, who give a number of guest lectures every year and provide students with unique insight in the practice of arbitration.

Dr Laurence Shore, partner at Herbert Smith Freehills, offers his expert view on the SIA's strengths: Three things, in my view, distinguish the SIA from other institutions.

First, the SIA was first, and it properly enjoys first-mover advantage. That is to say, principally through the foresight of Professor Lew, the SIA led the arbitration community in establishing international arbitration as a field of academic study at the highest levels of legal scholarship. To be sure, other law schools (though not many) provided the opportunity for an advanced degree in which a student could write a thesis on an arbitration topic. However, the SIA pioneered in establishing a centre at which the entire focus would be on arbitration scholarship.

Second, while many institutions that have followed the SIA can be proud of their outstanding scholars, the SIA still stands at the head of the pack in consistently providing thought leadership in the field and drawing arbitration scholars from around the globe. Here, in addition to Professor Lew, mention must be made of the brilliance and energy of Professor Loukas Mistelis, who expertly drives the academic mission of the SIA.

Third, the SIA, uniquely in my view, prepares its students for careers as arbitration practitioners—ie as counsel presenting cases—while also maintaining an emphasis on scholarly achievement. Thus, the SIA provides a double service to international arbitration: it advances arbitration scholarship at the same time that it prepares lawyers for serving clients involved in international transactions.

Dr Stefan Kröll: the SIA was one of the first institutions to offer arbitration classes at an academic level. It combined considerable practical experience with academic excellence. The unique blend of both has been a characteristic of the SIA ever since. It is today still one of the few institutions which bases its courses on an own treatise prepared with the needs of students in mind. All lecturers combine a wide knowledge about the theory of arbitration with considerable practical experience. The combination of both is also one of the hallmarks of the tutorials which supplement the lectures and deepen the knowledge obtained during class.

In addition, the SIA is still one of very few institutions which does not only offer a general course in arbitration but where students can also take specialised classes on important areas where arbitration plays a role, such as construction and investment. There the procedural aspects are supplemented with the most relevant questions of substantive law.

Professor Mistelis: I think it must be the commitment of the institution to have a large group of full time members of staff in the specialist area. All members of staff teach and research in arbitration and most also have experience in practice, research and practice-experience-led teaching. Our staff have a clear focus on comparative and international law. The SIA also has more than 3,000 alumni and a great deal of support for the SIA globally. The SIA has also been the home of a number of significant seminars and conferences, and has produced a large number of publications on a regular basis.

Alexis Mourre: The SIA is probably the more global of the arbitration schools, and the more open to practice with a true international perspective.

Dr Debbie De Girolamo: The quality of the academic staff in the SIA is second to none. As the leader in its field, the SIA is the go-to institute in the field for students, academics and practitioners. The SIA has successfully integrated excellence in research with recognition of the reality of practice. For example, its series of surveys conducted in partnership with professional firms provide cutting edge insights into the development of arbitration trends. There often exists a gap between academia and practice, however, the SIA has built a solid bridge between the two, recognising that theory lives through practice and practice develops through theory.

We asked distinguished international arbitration specialists for their views on the SIA's reputation. Here's what they said.

Dr Laurence Shore: As a practitioner you can be sure that students who have successfully completed the arbitration classes at the SIA have a very solid understanding of arbitration both in relation to practice as well as in relation to the underlying legal theories.

Although I of course cannot speak for the wider arbitration community—I am only one voice among many—I can at least offer my impression that the wider community considers the SIA to play a key role in advancing international arbitration scholarship, influencing the adoption of best practices in arbitration, and assisting LLM students in improving their abilities to serve their clients in international arbitration cases.

Alexis Mourre: The SIA is perceived as a highly performing institution not only for training, but also for research and global thinking on the future of arbitration.

International arbitrator Dr Stefan Kröll highlights the SIA's contribution to international arbitration research and scholarship: The SIA has a very good reputation in the arbitration community, both for the research done under the roof of the SIA as well as for its teaching. In particular, the empirical research done by the SIA is widely used and quoted in practice as well as in academia. Furthermore the various series maintained by the directors of the SIA at Kluwer and OUP contain very good treatises on topical issues in international commercial arbitration as well as investment arbitration.

Professor Phillip Capper, partner at White & Case, discusses his firm's strong relationship with the SIA: In addition to its academic and scholarly work, along with creating a grateful community of graduates now practising in the field around the world, the SIA has been very focused on supporting and contributing directly to the practice of arbitration. Perhaps the best example is the very highly regarded International Arbitration Survey, which we have been pleased at White & Case to have sponsored and been closely involved with in 2010 and 2012. We are currently working on our third survey with the SIA, which this time focuses on improvements and innovations in international arbitration. We look forward to releasing the results later this year.

How important are alumni to the SIA's present and future?

Professor Stavros Brekoulakis, Professor at the SIA, stresses the importance of alumni: Alumni are an extremely important asset for the SIA. Thousands of students from all over the world have graduated in the 30 years of the SIA, and they are now established arbitration practitioners, arbitrators, judges, in-house counsel, arbitration institution officers and academics. Incidentally, the Alumni and Friends of the School of International Arbitration (AFSIA) joins the celebrations for the 30th Anniversary of the SIA by organising its second global conference on 22 April 2015, with the participation of an excellent group of SIA Alumni speakers.

Dr Debbie De Girolamo echoes Professor Brekoulakis' views: The SIA's alumni are critical for the continuing development of the SIA as a leader in this field. The SIA recognises that students of today become respected colleagues of tomorrow. Alumni stay in touch and often participate in SIA's teaching activities, provide professional development opportunities for current students, and are available to provide advice and mentorship to the SIA student body and faculty alike.

Professor Loukas Mistelis offers praise for the SIA's long-standing alumni organisation: We encouraged students to organise an alumni association in 2003 and they have created an admirable network centred on AFSIA with a good number of national committees and academic and professional activities. The most rewarding part is that AFSIA is a self-governed association bringing together alumni and friends of the SIA.

What lies in the SIA's future?

Members of the SIA's faculty share their thoughts on what we can expect from the SIA in the years to come.

Professor Julian Lew QC: The SIA will continue to grow and will adapt to changes in the field of international arbitration. It is our aim to remain at the forefront of international arbitration's development by providing innovative courses with strong links to those in practice and contributing to the science of arbitration.

Professor Brekoulakis: The SIA's future is exciting with new courses and ground-breaking research. A number of empirical surveys on international arbitration are underway, while all members of the SIA are in the course of publishing monographs, books and articles on a wide range of topics and arbitration fields. At the SIA we are always willing to explore new ideas and pursue original lines of inquiries. We are working hard to contribute to the teaching and the studying of international arbitration with the same rigour and enthusiasm exhibited since the foundation of the SIA in 1985.

Professor Loukas Mistelis: Apart from the new LLM in Paris, we plan to strengthen the distance learning programme, introduce some professional courses and collaborate with institutions in Latin America and Asia. We are committed to the same culture of research-led teaching, strong research ethos, production of high level publications as well as creating better career opportunities for our students.

Dr Debbie De Girolamo: The SIA will continue to provide leading research and support new advances in the field. For example, in the area of disputing processes, it has introduced negotiation theory into its curriculum, an offering which is rare at other law schools in Europe. It has also established a successful LLM programme in energy and natural resources law. It will continue to develop such cutting edge programmes while continuing to advance trend-setting research.

What can attendees expect from the conference?

The 30th anniversary conference takes place between Sunday 19 and Tuesday 21 April 2015 and offers an impressive programme. Professors Mistelis, Lew and Brekoulakis discuss what will be on offer.

Professor Mistelis: We hope to provide high-level global thought leadership. Diverse panels will explore how arbitration has evolved over the past 30 years and where things are moving in the next 30 years. It will address both theoretical and practical aspects of arbitration. In addition there will be an AFSIA conference on the 22 April 2015 and a celebration of the SIA and arbitration generally.

Professor Lew QC: Among many other things, the conference will explore, discuss and identify whether or not the next 30 years will prove as dynamic as the preceding 30. It is an exciting, but also challenging, time for international arbitration and the conference will provide an opportunity to explore current issues of importance and look to the future.

Professor Brekoulakis: The attendees should expect an exciting debate on the most important topics in international arbitration currently by a group of highly distinguished arbitration lawyers and scholars. Our aim is to go beyond the usual agenda of arbitration conferences, and explore new topics in different formats (keynote speech, individual presentations, roundtable and interactive panels), while appealing to both arbitration practitioners and academics.

The views expressed by our Legal Analysis interviewees are not necessarily those of the proprietor.

For further information, please visit
lexisnexis.co.uk/QMU30/Arbitration

Links to biographies:

Professor Julian Lew QC

www.20essexst.com/member/julian-dm-lew

Professor Loukas Mistelis

www.law.qmul.ac.uk/staff/mistelis.html

Professor Stavros Brekoulakis

www.law.qmul.ac.uk/staff/brekoulakis.html

Dr Debbie De Girolamo

www.law.qmul.ac.uk/staff/degirolamo.html

Professor Phillip Capper

www.whitecase.com/pcapper/#.VQI1946sXTo

Dr Laurence Shore

www.herbertsmithfreehills.com/people/laurence-shore

Dr Stefan Kröll

www.rechtsanwalt-kroell.de/en/

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