

The Chartered Institute of Arbitrators (Singapore)

Course Information

MODULE 4 – INTERNATIONAL AWARD WRITING
FEBRUARY 2019 TO JULY 2019



Course Schedule

Start Date	: 15 February 2019
Tutorial One	: 28 February 2019
Tutorial Two	: 26 June 2019
Stage 1 Examination	: 05 July 2019
Stage 2 Examination	: 19 July 2019

Note: Full details to be provided separately



10 Public CPD Points
Practice Area:
Alternative Dispute Resolution
Training Level:
Intermediate

What is the aim of the module?

To provide the candidate with the knowledge required to analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules. This course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an Award, dealing with the submissions made by the parties, analyzing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Award. It is therefore valuable for anyone wishing to understand the processes involved in award writing. It is also an essential requirement for qualification as a Fellow and for those who aim to practice as an international arbitrator.

What are the learning outcomes?

On successful completion of this course, candidates will be able to:

- recognise and evaluate evidence;
- distil issues from the parties' submissions;
- order and deal with all the issues;
- decide matters in dispute logically and in accordance with the law;
- structure the Award;
- write the discursive and operative parts of the Award;
- deal with the parties' costs and interest;
- allocate arbitrator's fees and expenses;
- demonstrate compliance with the legal and other requirements for an enforceable Award.

What is covered within the syllabus?

- Purpose of the Award;
- Purpose of reasons;
- Formal requirements of an Award;
- Substantive requirements for an Award;
- Elements of an Award;
 - The recitals;
 - Defining the issues;
 - Defining the law;
 - Ordering and handling issues;
 - Contentions on the issues;
 - Summarising evidence;
 - Findings of fact;

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- Dealing with legal submissions;
- Arriving at a conclusion for each issue;
- Parties' costs and interest;
- Arbitrator's fees and expenses;
- The seat of the arbitration;
- Publishing the Award;
- Sending out the Award and dealing with slips.

How is the course delivered?

The course is delivered over a period of five months, with a combination of private study and face-to-face tutorials.

Tutorial 1: 5.5 Public CPD Points

Tutorial 2: 4.5 Public CPD Points

The course date advertised is the start date of the course when candidates will be required to start their private study of reading NOT when they attend tutorials. The face-to face tutorial dates are listed on the Course Schedule

How will I be assessed?

Assessment of this course is split into two parts:

- A written assignment to be submitted during the course (20%).
- A 4-hour open book examination (80%).

Details of the assessment are as follows:

- The assignment. This assessment is not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- The examination. This assessment is on a pass or fail basis. The mark achieved will contribute up to 80% of the final mark. Candidates who fail the examination will be required to re-sit the examination.
- The overall assessment is based upon the combined marks of the assignment and examination. Candidates must achieve a minimum overall mark of 70% to pass the course.

Marks for the examination will be divided into two parts: Part A – Technical Merit; Part B – Judicial Merit. Candidates must achieve a minimum of 70% in each part.

The assignment and examination are both Award writing exercises. The Award must be reasoned and enforceable. Any candidate that submits an unenforceable Award will be deemed as a fail and awarded zero marks.

The examination is open book with no restrictions, which means candidates are permitted to take any materials they wish into the examination. The examination consists of a final Award submitted on a dispute presented in a scenario in two parts, the first provided by email approximately two weeks before the examination date, the second provided on the stipulated examination date.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

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What are the entry requirements?

In order to register for the Module, candidates must:

- have successfully completed and passed the CI Arb Introduction Module, Module 1 Law of Obligations and Civil Evidence, Module 2 Law of International Arbitration and Module 3 Practice and Procedure, a relevant course offered by a CI Arb Recognised Course Provider or a course offered by a CI Arb Branch.

English Language Competence - CI Arb training and assessment is carried out in English it is therefore essential that candidates are proficient in both written and spoken English. Where English is not a candidate's first language it is recommended that they have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test of English as a Foreign Language (TOEFL) system. CI Arb issues this advice as a guideline and, while it will not require any evidence of this standard prior to enrolment on a course, candidates who do not have this standard of English may be disadvantaged.

What is the course fee and what does it include?

The course fee is S\$2,300 nett. The fee includes registration on the course, the first attempt at the assessments, study materials and refreshments during the tutorials.

What happens when I register for the course?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Joining instructions and course materials will be sent to candidates approximately 2 weeks before the course start date by email.

Candidates will be provided with an electronic copy of a Workbook to assist them with their studies together with a suggested reading list. It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with the relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognised standard text books to supplement their study in their respective jurisdiction where these are available.

What is CI Arb's policy on cancellation of courses?

CI Arb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CI Arb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course.

Should a candidate wish to cancel his or her registration of a course, notification must be received in writing to secretariat@ciarb.org.sg at least two weeks before the date the course is due to commence. If a candidate fails to give such notice, the CI Arb may apply a cancellation charge of 50% of the course fee or such other amount as it may in its sole discretion determine.

What is the Attendance Policy?

Participants who wish to claim CPD Points must comply strictly with the Attendance Policy set out in the CPD Guidelines. Participants are reminded to sign in on arrival and sign out at the conclusion of each tutorial in the manner required by the organiser. Participants must not be absent from each day of the tutorial portions of the course for more than 15 minutes. Participants who attend Tutorial 1 on 28 February 2019 and comply strictly with

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the Attendance Policy may claim 5.5 Public CPD Points in CPD Year 2019. Participants who attend Tutorial 2 on 26 June 2019 and comply strictly with the Attendance Policy may claim 4.5 Public CPD Points in CPD Year 2019. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points. Please refer to www.sileCPDcentre.sg for more information.

What is my next step when I complete the course?

On successful completion of this course, candidates:

- may be eligible to claim CPD points.
- will be awarded a Diploma (if candidate participated in Diploma in International Commercial Arbitration)
- candidates will be able to progress onto the Peer Interview of the arbitration pathway.
- candidates will be eligible to apply for Fellow grade of CI Arb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.

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