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The View from the Chair: Andrew Essam



As this is the first Branch Newsletter for the new CI Arb year it falls to me as the incoming Branch Chairman to make an opening address for this Newsletter.

The CI Arb North East Branch covers the Yorkshire and Humberside geographical area and has a membership of approximately 350 members who form part of a global membership of approximately 11,000 members, in more than 100 countries across the world. The Branch year commences at the end of March and at

the Branch AGM that was held at the Chequers Inn, Ledsham, I was elected as the Chairman of the North East Branch for the next two years.

For those readers that I have not had the opportunity to meet, I am Andrew Essam a Chartered Quantity Surveyor, Accredited Mediator and Registered Construction Adjudicator of Construction Contract Solutions, in Sheffield. It is a privilege to be invited to act as Chairman of the Branch and a great pleasure to take up the post. Although I am a relatively new member of the Branch Committee, having served for a period of just two years, I look forward to undertaking the task ahead of me, which I will do to the best of my ability and I will endeavour to live up to the high standards set by my predecessors.

In that regard I am indebted to Richard Gibson, a Structural Engineer by primary profession who works for the Gibson Design Consultancy based in Leeds, the outgoing Branch Chairman, for his tireless contribution and his excellent leadership over the past two years as Branch Chairman. I also thank Richard Piper, a Solicitor from Gordons LLP in Leeds, our Branch Secretary who deals with the administrative functions of the Branch, and I express my gratitude to him as he continues in that role. Michael Dunn, a past Chairman and Chartered Quantity Surveyor of Rex Procter & Partners in Bradford, who has been an active member of the Branch Committee for a number of years and recently the Branch Treasurer retired from that position at the AGM. On behalf of all of the members of the Branch Committee I would like to thank Michael for his dedication to the role. Michael's presence on the Branch Committee will be sorely missed (especially as he signed the cheques).

There are a number of new members who have joined Committee who I am very pleased to welcome and these include Derek Masters, a Civil Engineer who takes up the reins as the new Treasurer. Martin Green, who is

the course leader for the MSc in Construction Law and Dispute Resolution at Leeds Metropolitan University, who many members will be familiar with. In addition, Bertie Vigrass OBE, a former Chief Executive of the Institute of Arbitrators (as it was then) who, amongst other things, assisted in the process of obtaining the Royal Charter for the CI Arb; Rod Appleyard, a Building and Specialist Fenestration Surveyor with Verification Associates who also appears on television on such programmes as 'Watchdog' and 'Rogue Trader'; Anthony Glaister, a Solicitor who is well known throughout the North East as a Mediator and as the Chairman of the Association of Northern Mediators and Anthony Edwards, a Barrister at Chancery House Chambers in Leeds, have all joined the Branch Committee.

We therefore have a Committee which is a blend of new blood and experience, drawn from a diverse range of professional backgrounds with connections to other like minded institutions. This Institute welcomes such an array of talent, particularly as the CI Arb's mission is to be the global home for alternative dispute resolution (ADR), including mediation and adjudication as it is with arbitration. In my opinion ADR is a 'service industry' which faces exciting and challenging times. Although the competing forces that are arbitration, adjudication and mediation challenge for the spotlight, in my view the competition from those forms of ADR provides the impetus to improve the procedures and thus the attractiveness of each mechanism to ADR users.

On that note I commend to readers, and to their clients, the Yorkshire Arbitration Scheme. This procedure has been developed on behalf of the North East Branch by Paul Beevers, a Chartered Arbitrator, Solicitor and Deputy District Judge with Chadwick Lawrence Solicitors in Huddersfield, and Michael Joyce, a Geotechnical Engineer and Chartered Arbitrator of Michael D Joyce Associates. The Yorkshire Arbitration Scheme is a cost



effective form of resolving low value commercial disputes, further details of which are set out elsewhere in this Newsletter.

The CI Arb is a broad church that seeks to promote all forms of ADR and the CPD programme that is summarised in this Newsletter is reflective of that. We are also running many of our events in conjunction with other organisations to enhance the CI Arb's profile and broaden its appeal to a larger audience within this area.

There are a number of initiatives developed within the Branch that I am

seeking to build on in my period in office. These primarily concern the manner in which we, the Branch Committee, communicate with you and other interested individuals and organisations in order to promote the CI Arb. In this regard Damian Wilkinson, a Chartered Quantity Surveyor of Armstrong Davis in Leeds, has kindly agreed to co-ordinate the re-launch of the Branch website. Damian is currently working on this project, which should appear on a screen near you soon. In order to facilitate communications with you if you are a CI Arb N.E. Branch member who did not receive this Newsletter by e-mail,

we need your e-mail address to ensure that you receive all relevant Branch communications. Please do provide this information by completing the relevant section of the questionnaire set out below.

Finally, your opinions are extremely valuable to us as we seek to improve communications and activities and I would therefore ask you to complete and to return the questionnaires set out below.

Andrew Essam – CI Arb N.E. Branch Chairman

How We Communicate With You

It is very important for us, on the North East Branch Committee to be able to communicate with you, as a member of the North East Branch, in an efficient and cost effective way. The most appropriate and economic way of doing so is by e-mail.

We have a database of CI Arb North East Branch members' e-mail addresses. However, we do not have the e-mail addresses for all of the North East Branch members and if we do not have your e-mail address we are concerned that you will be missing out on important notices and communications issued by this Branch advising you about events that are happening in this area. To assist us to resolve this we would be grateful if you could spend a few moments providing us with the following information.

✂.....

Your Details

Name:
Primary Profession:
CI Arb Membership Designation:
E-mail Address:

E-mails from other CI Arb Branches:

From time to time the CI Arb NE Branch is asked to circulate by e-mail details of events that are being promoted by other CI Arb Branches.

As a CI Arb member you can elect to receive e-mails from another branch in addition to your local branch. Please tick the box if you do not want to receive e-mails concerning other CI Arb branch activities:

E-mails from other Organisations:

The CI Arb NE Branch is sometimes asked to circulate by e-mail details of events that are being promoted by other organisations, which we think may interest you.

Please tick the box if you do not want to receive e-mails concerning the activities of other organisations:

Non CI Arb N.E. Branch Members:

If you are non CI Arb N.E. Branch member and have received a copy of this Newsletter by e-mail, please tick the box if you do not want to receive further e-mails from this Branch.

If you are interested in joining the CI Arb, please tick the box:

CI Arb Corporate Membership

The CI Arb is proposing to offer the opportunity for companies and organisations to join the CI Arb as 'corporate' members. If your company or organisation is interested in joining as a 'corporate' member, please tick the box:



The Yorkshire Arbitration Scheme

Features

The Yorkshire Arbitration Scheme has been designed to provide a quick, cost effective way of resolving commercial, business to business, and technical disputes. It can also be used to resolve other kinds of dispute and offers a fixed cost solution for disputes which meet some simple criteria. Where the fixed fee criteria do not apply the Arbitrator will give an estimate of his fee on request.

The Arbitrator's fee will be £1,500 (plus VAT where appropriate) providing the dispute is a commercial, business to business, or technical dispute between two parties, has a value of less than £50,000 and will not require a preliminary meeting to determine what the issues are or a final hearing lasting more than half a day. The fixed fee does not include the cost of a venue for the final hearing if one is required.

For a dispute involving £25,000, court fees in the County Court would add up to at least £1,000¹, before the additional cost of representation is taken into account². This makes the Yorkshire Arbitration Scheme's £750 each party fixed fee cost effective as the Scheme has been designed to allow the parties to argue their cases themselves, without needing to be represented. If you want to avoid delay, arbitration under this scheme will take about one third as long as a County Court case³.

The Yorkshire Arbitration Scheme is administered by the North East Branch of the Chartered Institute of Arbitrators, and all the Arbitrators on the panel are Fellows of the Chartered Institute of Arbitrators.

How to use the Yorkshire Arbitration Scheme

If you wish to use the Yorkshire Arbitration Scheme a suggested arbitration clause to incorporate within the applicable contract is as follows.

'Any dispute or difference arising out of or in connection with this contract shall be determined under the rules of the Yorkshire Arbitration Scheme by the appointment of a single Arbitrator to be agreed between the parties, or failing agreement within fourteen days, after either party has given to the other a written request to concur in the appointment of an Arbitrator, by an Arbitrator to be appointed by the Chairman of the North East Branch of the Chartered Institute of Arbitrators, or in his absence the Vice Chairman.'

Alternatively if you are already in dispute you can complete an application form as described below.

Further Information

Details of the Scheme, the Rules, and an Application Form for the appointment of an Arbitrator can be found at www.theyorkshirearbitrationscheme.org.uk

Footnotes

¹ £400 issue fee, £100 allocation fee and £500 hearing fee. The County Court charges an additional fee for a counterclaim.

² Most litigation Solicitors charge £150 - £200 an hour.

³ 12 weeks for arbitration under the Scheme's standard timetable.

The Yorkshire Arbitration Scheme – Panel Membership

If you are a Fellow of the CI Arb, an active member of the North East Branch, keen to promote the Scheme, and are interested in being listed as a panel member of the Yorkshire Arbitration Scheme, please let us know by completing the following:

Name:
Qualifications:.....
Primary Profession:
Address and Post Code:.....
.....
.....
Tel:.....
Fax:
E-mail:
Website

Dispute resolution experience
.....
.....
.....
.....
.....

Please continue on a separate sheet if required; attach your CV and the names and addresses of two referees.



Future Events - CPD Programme - May 2008 – March 2009

Wednesday 18th June 2008: Joint CPD Event with the Leeds Law Society and the ANM

Topic: ***Mock Mediation - ‘The Battle of the Gurneys’***

Mediator: Anthony Glaister

Venue: The Law School, Leeds Metropolitan University, Cloth Hall Court, Quebec Street, Leeds, LS1

Price: £0.00 for CI Arb Members; £10.00 Leeds Law Society Members; £15.00 Non Members

Organiser: Anthony Glaister

Wednesday 10th September 2008 – CPD Event

Topic: ***Arbitration Case Law Update***

Speaker: Peter Collie, Barrister from 5 Fountain Court, Birmingham

Venue: Leeds Met, Lecture Theatre 118, The Northern Terrace, Civic Quarter, Leeds

Price: FOC

Organiser: Martin Green

Tuesday 14th October 2008 – CPD Event, Joint Event with the SCL

Topic: ***Liquidated Damages***

Speaker: Dr Hamish Lal, Partner Dundas & Wilson LLP, London

Venue: Leeds Met, Lecture Theatre 118, The Northern Terrace, Civic Quarter, Leeds

Price: FOC

Organiser: Bob Davies

Tuesday 2nd December 2008 – CPD Event

Topic: ***Construction Law Update***

Speaker: Sean Brannigan, Barrister, 4 Pump Court Chambers, London

Venue: Leeds Met, Lecture Theatre 118, The Northern Terrace, Civic Quarter, Leeds

Price: FOC

Organiser: Richard Piper

Wednesday 21st January 2009 – CPD Event

Topic: ***Ascertaining the Facts and the Law***

Speaker: t.b.c.

Venue: t.b.c.

Price: FOC

Monday 9th March 2009 – Branch AGM

✂.....

Please make a reservation for:

- a)places(s) for the ***Mock Mediation*** on Wednesday 18th June 2008
at the price of £0.00 for CI Arb Members, £10.00 for Leeds Law Society Members and £15.00 for Non CI Arb Members
- b)places(s) for the ***Arbitration Case Law Update*** on Wednesday 10th September 2008
- c)places(s) for ***Liquidated Damages*** CPD Event on Tuesday 14th October 2008
- d)places(s) for the ***Construction Law Update*** on Tuesday 2nd December 2008
- e)places(s) for ***Ascertaining the Facts and the Law*** on Wednesday 21st January 2009.
- f)places(s) for the Branch AGM on Monday 9th March 2009.

Name (of each delegate): Company Name:

Tel No: E-mail Address: CI Arb Member: Yes No

To reserve your place return this form to: ‘The CI Arb North East Branch’ and send by e-mail to: richard.piper@gordonsllp.com

or by post to: Richard Piper CI Arb NEB Secretary, c/o Gordons LLP, Riverside West, Whitehall Road, Leeds, LS1 4AW

Note: Please retain a copy of this form for receipt purposes. No receipts/acknowledgements or tickets will be issued.

VAT No 681429029

No refunds will be issued for cancellations notified within 14 days of the event. Substitute delegates will be accepted at any time.

The CI Arb NE Branch reserves the right to change or cancel the programme for any reason at its absolute discretion.



CPD Programme – Questionnaire

The CI Arb North East Branch aims to provide Continuing Professional Development (CPD) events that provide a broad range of appeal to all of its members. We would therefore like to hear your opinion on how we can improve the CPD events that we arrange by taking a moment to complete the following questionnaire.

1. When you decide whether you want to attend a CPD event organised by the CI Arb NEB, rank in order of importance the factors that are most important to you in deciding whether to attend (1 most important, 10 least important):

1. The topic of the presentation.
2. The speaker.
3. The venue.
4. The date of the event.
5. The cost of the event.
6. The time and duration of the event.
7. Whether CPD points are available.
8. The body organising the event.
9. The refreshments available.
10. Whether you have sufficient time available to attend the event.

2. **Topic** - If you were to choose a topic for a CPD event that you would like to attend what would it be:

.....

3. **Speaker** - If you were to choose a speaker for that event who would you choose:

.....

4. **Location** - Which is the best location for you to attend a CPD event (Please tick the applicable boxes):

- | | | |
|---|-----|----|
| a) Leeds Met / Central Leeds - | Yes | No |
| b) Central Sheffield - | Yes | No |
| c) A Hotel on the M1, between Leeds and Sheffield - | Yes | No |
| d) A Hotel on the M62, between Leeds and Manchester | Yes | No |
| e) It makes no difference to me | Yes | No |
| f) Other (please specify): | | |
| | | |

5. **Time** - If the meeting was held at the following time of day would you be more or less likely to attend (Please tick the applicable boxes):

- | | | |
|--|-----|----|
| a) Breakfast meeting (08:00am – 09:30am) | Yes | No |
| b) Early evening (04:00am – 05:30pm) | Yes | No |
| c) Evening (06:30pm – 08:00pm) | Yes | No |
| d) It makes no difference to me | Yes | No |

e) Other time (please specify):

6. **Date** – Which is the best day of the week for you to attend a CPD meeting (please specify):

7. **Cost** – What do you consider would be a reasonable cost for CPD events:

- a) Free to CI Arb Members
- b) £0.00 - £10.00
- c) £10.00 - £20.00
- d) £20.00 - £30.00
- e) Do you think Non-CI Arb Members should be charged to attend CI Arb events: Yes No
if so how much more for each event do you think they should be charged: £.....

8. **Refreshments** – Do you consider that refreshments should be made available:

- | | | |
|------------------------------|-----|----|
| Tea / Coffee | Yes | No |
| Light Buffet | Yes | No |
| Other (please specify) | | |

9. How do you currently meet your CPD requirements (Please tick the applicable boxes)

- In House training / courses
- External course

9. When was the last time that you attended a CPD event arranged by the CI Arb NEB:

10. If we arranged a CPD meeting on one of the following events would you be willing to attend:

- | | | |
|------------------------------------|-----|----|
| a) The Interpretation of Contracts | Yes | No |
| b) Adjudication Case Law Update | Yes | No |
| c) Insolvency and How to Avoid It | Yes | No |
| d) Arbitration in Sport | Yes | No |
| e) Immunity of the Tribunal | Yes | No |
| f) Dispute Resolution Boards | Yes | No |
| g) Expert Witness | Yes | No |

11. Any other comments:

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North East
Branch

CI Arb

The Chartered Institute of Arbitrators North East Branch

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