

So, now you are an arbitrator: the arbitrator's toolkit.

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So, Now You Are an Arbitrator: The Arbitrator's Toolkit

by Neil KAPLAN and Chiann BAO

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In an epoch where arbitration is increasingly becoming a sine qua non for resolving international commercial disputes, the indispensability of mastering the nuances of arbitral procedures cannot be overstated. Against this backdrop, 'So, Now You Are an Arbitrator: The Arbitrator's Toolkit' by Neil Kaplan and Chiann Bao serves as a seminal work that comprehensively guides aspiring arbitrators, and seasoned ones alike, through the intricate labyrinth of arbitration proceedings.

The work is compartmentalised into 20 meticulously researched chapters, each addressing key areas such as appointment terms, procedural orders, dealing with non-participating parties, expert evidence, and data protection. An intriguing aspect of the book is its focus on the first meeting with the parties and Procedural Order No. 1, which underscores the importance of initiating the arbitral proceedings on a robust footing. Both Kaplan and Bao bring their extensive experience and credibility to the subject matter. Kaplan based in Hong Kong, is a Chartered Arbitrator with involvement in a wide range of commercial and investment arbitrations. On the other hand, Bao, an independent arbitrator based in Singapore, brings her expertise in several billion-dollar disputes. Their dual perspectives enrich the text, providing a balanced viewpoint that crosses jurisdictional lines.

The authors astutely address the impact of the pandemic on arbitration, noting that the increased usage of videoconferencing and online repositories may prove beneficial in terms of cost-effectiveness and environmental sustainability. This contextualisation is valuable, offering readers an understanding of the evolving norms within arbitration in a post-pandemic world. Additionally, the book does not merely serve as a theoretical guide; it is replete with practical appendices that include model forms, schedules, and declarations. This makes it a living toolkit for new and seasoned arbitrators alike, one that extends its utility beyond the academic realm into real-world applications.

However, the work is not without its limitations. While the book offers a comprehensive overview of arbitral proceedings from the vantage point of the arbitrator, it might be criticised for not delving into the comparative aspects of arbitration law across different jurisdictions in depth. Given the increasingly global nature of arbitration, a focus on how different jurisdictions may present unique challenges and solutions could have added another layer of complexity to the text.

Notwithstanding these considerations, this work stands as a pivotal contribution to the field. It effectively bridges the gap between theory and practice and serves as an indispensable guide for those aspiring to don the hat of an arbitrator. Moreover, its forward-looking perspective on the changes brought about by the pandemic adds a timely relevance to the text. Hence, this book is an invaluable asset for anyone keen on understanding the intricacies of arbitral procedure and wish to be an arbitrator and it undoubtedly enhances existing scholarship on the subject.

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