



The CI Arb News

QUARTERLY NEWSLETTER

of the Caribbean Branch of the Chartered Institute of Arbitrators

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NEW GOLDEN THREAD PATHWAY TRAINING IS HERE

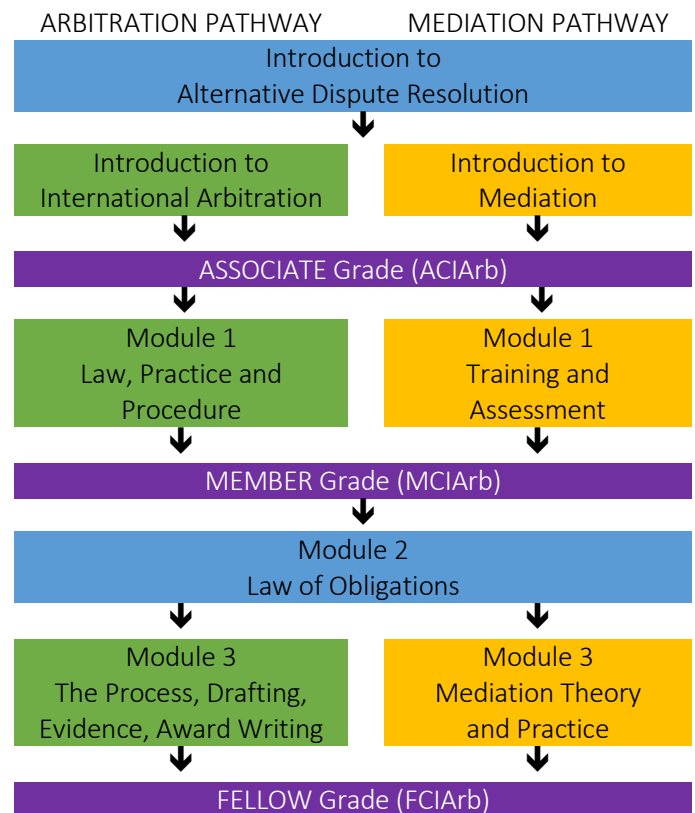
The Chartered Institute of Arbitrators (CI Arb), in keeping with the achievement of its Object 'to promote and facilitate worldwide the determination of disputes by arbitration and alternative means of private dispute resolution other than resolution by the court', by way of 'the provision of education and training both to those who wish to become qualified and proficient Practitioners, and to persons with an interest in private dispute resolution', has completed the roll-out of its new Golden Thread Pathways training programme. The new programme was introduced in phases across the regions of the world and the final phase to the Americas region is now in place and will be implemented in the Caribbean from January 2019.

The purposes of the new programme are: 1. to update and streamline the Institute's qualifications and training programmes for arbitrators, adjudicators and mediators, 2. to underpin the global recognition of CI Arb's rigour in upholding the standards of quality and expertise of its membership and 3. to strengthen the foundation of consistency, harmony, fairness and transparency offered in the qualifications and by the Pathways training structure.

The Chair of the Caribbean Branch, Ms. Shan Greer, was invited by CI Arb to act as a Regional Pathway Leader (RPL) and she attended a RPL training session in Atlanta last November. The role of a RPL is to oversee and manage a region's training programme and its faculty of approved tutors, moderators, examiners and assessors.

'Train-the-Trainer' sessions have been scheduled for all the members of the Caribbean Branch's Approved Faculty List (AFL) who have been engaged previously in conducting training courses. The first of these training sessions is planned for March 2019, prior to the start of any courses being offered under the new Golden Thread Pathways structure. Other training sessions will be held later in the year and members who wish to join the faculty and become involved in the conduct of training will be invited to attend.

The Golden Thread Pathway training courses to be offered by the Caribbean Branch in international arbitration and commercial mediation will comprise the common (in blue) and separate modules as shown below:



New features of the Golden Thread Pathway structure include the common online Introduction to Alternative Dispute Resolution course, online assessments for all Introductory courses, the consolidation of, and a reduction in, the number of modular courses and centralised assessments of all International Arbitration module courses. The centralisation of assessments means that the Caribbean Branch will only be able to offer courses at the times in the year which allow for alignment with the centralised assessment dates fixed by CI Arb. The courses proposed to be offered by the Branch in 2019 are shown overleaf in [EVENTS DIARY](#).

EVENTS DIARY

CIArb Caribbean Branch 2019
TRAINING COURSES CALENDAR

- Introduction to International Arbitration

A one-day Seminar
with an Online Assessment
* Bridgetown, BARBADOS
4 March 2019
* Kingston, JAMAICA
Date to be determined

- International Arbitration
Module 1 - Law, Practice and Procedure

A 14-week private study Course
with three two-day Tutorials and a
three-hour written Exam
* Bridgetown, BARBADOS
3 April - 11 July 2019
* Kingston, JAMAICA
4 September - 12 December 2019

- Commercial Mediation
Module 1 - Training and Assessment

A five-day Workshop
with a one-day Assessment
* Bridgetown, BARBADOS
8 – 14 July 2019

- International Arbitration
Accelerated Route to Membership A
two-day Workshop

with a written Assignment and a
three-hour written Exam
* Port-of-Spain, TRINIDAD
Date to be determined
* Kingston, JAMAICA
Date to be determined

- International Arbitration
Accelerated Route to Fellowship

A two-day Workshop
with a written Assignment and a
four-hour written Exam
* Port-of-Spain, TRINIDAD
Date to be determined

KEEP IN TOUCH

Keep in touch by joining LinkedIn
and our Group at <http://www.linkedin.com/groups/8201202>

'FAST TRACK' COURSES RETAINED

The new Golden Thread training programme will retain the popular Accelerated Route assessment courses designed for person who are legally qualified but there will be some changes to the entry requirements and to the structure of the courses.

The Accelerated Route to Membership (ARM) course covers the law underpinning the process and procedure of international arbitration and is valuable for anyone who is conversant with the law and practice of arbitration, whether as a party or a party representative. The Accelerated Route to Fellowship (ARF) course focuses on the practice, process and procedures and award writing in international arbitration.

The entry requirements of the ARM course are a recognised law degree and membership with CIArb at the Associate grade, which is achieved by successful completion of an introductory course. The entry requirements of the ARF course are approved practising experience, successful completion of the Module 2 Exemption Test and membership with CIArb at the Member grade, which is achieved by successful completion of the ARM course.

The ARM and ARF courses are structured as assessments and not as teaching modules. Learning is based on private study prior to an oral assessment workshop, reinforced by tutor input and peer discussion during the workshop.

The structures of both the ARM and ARF courses consist of a written assignment which is submitted prior to a two-day interactive workshop at which the candidates' knowledge, judgement, interaction and presentation skills are assessed.

A three-hour written examination completes the assessment for the ARM, while a four-hour exam completes the assessment for the ARF.

The Institute expects that the Golden Thread Training programme will reduce the administration costs and time spent on all assessment-related activities by the Branches. It should also provide reassurance that the content of all training is current, consistent and prepared by practitioners who are acknowledged as experts in their fields. Finally, it should reinforce the CIArb brand and reputation for the highest quality and standards.

HAVE YOUR SAY

The [CIArbbean News](#) is published on a quarterly basis, on the first day of January, April, July and October.

Readers are encouraged to share their views and comments on the newsletter and its content, and to submit original papers, opinions and information on items of interest for future publication. Submissions and comments should be sent by e-mail to barbadoschapter@gmail.com

Past copies of the newsletter, unabridged articles and more information about the Caribbean Branch, its Chapters and the Branch Committee can be found on the Caribbean Branch's webpage at www.ciarbcaribbean.org

YOUNG MEMBERS

The launch of the Young Members Group of the Caribbean Branch is being planned for Friday, 1st March 2019 in Barbados. To express your interest in the launch and for more information about the YMG, please contact Ms. Jodi-Ann Stephenson at kajstephenson@gmail.com

SIR DENNIS BYRON IS HONOURED



The Patron of the Caribbean Branch, the Rt. Hon. Sir Dennis Byron meets members of the Barbados Chapter Committee at a reception in Barbados. (From left to right are Ms. Ella Hoyos, Sir Dennis Byron, Ms. Tanya Goddard and Mr. Miles Weekes.)

The Caribbean Branch of the Chartered Institute of Arbitrators (CIArb) continues to be very fortunate and honoured to have as its Patron, The Right Honourable Sir Dennis Byron. As Patron, Sir Dennis has been very supportive of the Branch and its work and has been a keynote speaker at several Branch conferences.

Sir Dennis, who last July retired as President of the Caribbean Court of Justice (CCJ), has for many years been a strong promoter of ADR - Alternative Dispute Resolution. Indeed, during his tenure as the Chief Justice of the Eastern Caribbean Supreme Court, he established the first Court Annexed Mediation Scheme in the Caribbean region; a scheme which is still very active and successful.

Born in Basseterre, St. Kitts and Nevis, Sir Dennis read law at Fitzwilliam College, Cambridge University from which he graduated with an M.A and an LL.B. In 1965, he was called to the Bar of England and Wales by the Honourable Society of the Inner Temple.

Having distinguished himself in private practice as a Barrister-at-Law and Solicitor throughout the Leeward Islands, Sir Dennis began his judicial career in 1982 when he was appointed as a High Court Judge of the Eastern Caribbean Supreme Court. In 1999, he was appointed Chief Justice of the Eastern Caribbean Supreme Court, having acted in that position for two years.

As Acting Chief Justice, Mr. Justice Byron, as he was then, made the establishment of the Eastern Caribbean Supreme Court Judicial Reform Programme a matter of high priority. He introduced the new Civil Procedure Rules 2000 bringing case-flow management to the civil court process. With these reforms, he set the three-fold objective of the enhancement of public access to the Court by simplifying the procedures, the reduction of the delay in litigation, and the inculcation of a higher professional standard at the Bar.

In March 2001, Chief Justice Byron, was appointed a member of an

International delegation of jurists who would travel to Zimbabwe on a fact-finding mission on behalf of the Human Rights Institute of the International Bar Association.

Mr. Justice Byron was subsequently appointed by the United Nations Secretary-General to serve as a Judge of the United Nations International Criminal Tribunal for Rwanda (ICTR) from June 2004. He sat on several trial benches and served on a number of pre-trial benches while on the Tribunal.

In May 2007, Mr. Justice Byron was elected President of the Tribunal and he was re-elected for a second term as President in May 2009. As President of the Tribunal, he was responsible for the overall management of the Court and for liaising with Member States as well as the UN Security Council.

From 2011 to 2018, Sir Dennis served with distinction as the President of the CCJ. In this role he made a significant contribution to the advancement of jurisprudence in the Caribbean region and was instrumental in the further development of the CCJ.

In honour and recognition of the considerable achievements of Sir Dennis, his active support and promotion of the practice of ADR and his continuing support of the Caribbean Branch as Patron, [The CIArb Caribbean News](#) is pleased to announce that, on the recommendation of the Caribbean Branch, Sir Dennis Byron has been conferred an Honorary Fellowship by The Chartered Institute of Arbitrators.

We congratulate Sir Dennis on this achievement and look forward to his continuing support. We also wish him prosperity and good health throughout his continuing years.

*Submitted by Stuart Kennedy
St. Vincent*

CONSIDERING THE USE OF COURT-ANNEXED ARBITRATIONS

Court-annexed arbitrations, sometimes called court-connected or court-mandated arbitrations, are used for resolving disputes which are already in court, but without the use of the traditional trial judges.

When there is no agreement to use an alternative dispute resolution method such as arbitration, persons with civil disputes go to court to have their disputes resolved by the traditional method of dispute resolution called litigation. By this method, when the dispute is filed as a lawsuit in court, after several earlier stages, the case is presented for trial to a judge.

Depending on the total number of lawsuits filed in the court and the number of judges available to the court, getting a civil dispute case to trial can, and often does, involve delays. The old adage that 'time is money' aptly applies, and though many civil dispute cases are settled, they usually do not do so until trial is near or underway. By which time the preparation for the trial is often, if not always, more expensive than the trial itself.

In Barbados, by way of example, in 2017 alone there were 1,985 civil disputes filed as lawsuits before the court and all were to be heard by a total of six judges. When a further 410 divorce cases were added to that number, to be heard by the same six judges, unless each judge completely disposed of disputes at a rate greater than one case per day, which is highly improbable, then a backlog was assured for that year to add to any previous backlog.

The Barbados situation is not a unique one. Other countries, including non-Caribbean ones, encounter similar challenges, even if some may do so to a lesser degree. The spontaneous reaction to a challenge of this kind is often to suggest a solution requiring more judges, more courts and/or more specialised courts. While there is some relief to be achieved by these methods, the reality is that it is not feasible to provide more judges and more courts to the full extent needed and an alternative must be found. One such alternative is court-annexed arbitrations.

In the United States of America, to speed up the court process and to lower the expense to resolve cases, court-annexed arbitration methods have been used to divert some cases into an amalgam of traditional and non-traditional dispute resolution processes. The cases are heard by experienced lawyers, called arbitrators, under the supervision of the courts, using simplified methods of presentation but in a procedure that is similar to a trial before a judge.

By using these court-annexed arbitration methods in the USA, it has been shown that the simpler presentation does not affect the result in most cases. It has also been found that trials are expedited more speedily than waiting on an available judge and are usually less expensive. This means that cost can be less of a barrier to justice for litigants who want a trial and who are less concerned about the 'trier of fact' as long as he or she is knowledgeable and neutral.

Court-annexed arbitrations have been considered in The Bahamas, while Belize, in 2017, instituted a court-connected arbitration facility as an addition to its Civil Procedure Rules. This provides for court reference to arbitration as an option available to civil litigants in certain cases. The Belize model has been cited by the Patron of the Caribbean Branch of CI Arb, Sir Dennis Byron, as "epitomising the commitment of our judiciaries to the provision of responsive dispute settlement options to users using an integrated approach, thereby providing meaningful justice delivery and demonstrating the ingenuity of the region's people and our ability to craft responsive solutions tailored to suit our specific needs."

On the initiative of the Caribbean Branch of CI Arb, a conversation has begun in Barbados about creating a court-annexed arbitration model that suits Barbados' specific needs, and one that envisages closer adherence to the practice and procedures of voluntary private arbitration and utilises fully trained arbitrators of both legal and non-legal backgrounds.

Cognizant that the solution must not only be tailored for the arbitrators but also for those persons normally engaged in the litigation of civil cases, such as judges, parties and the parties' representatives, the conversation has started with the leaders of the local business and professional organisations to apprise them of the proposed solution and its benefits, to listen to their concerns and to attain their support.

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Submissions, views and comments should be sent by e-mail to barbadoschapter@gmail.com
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