

# LCIA on good conduct

## *LCIA guidelines address conduct of counsel*

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The latest version of the LCIA Arbitration Rules comes into force in October 2014. Included in its revisions will be guidelines that counsel participating in international arbitrations must comply with, making the LCIA one of the first institutions of its kind to promote the good and equal conduct of parties’ representatives.

### **Guidelines for parties’ legal representatives**

The guidelines on the conduct of party representatives have the purpose of defining and promoting good and equal conduct, and operate to level the playing field for advocates, who frequently come from diverse legal traditions.

Parties will be required to ensure that their legal representatives have agreed to comply with the guidelines, which include prohibitions on unfairly obstructing the arbitration, jeopardising the finality of any award, and knowingly relying on false evidence.

If a party representative is alleged to have breached his or her responsibilities under the guidelines, the tribunal may decide if a violation has occurred and, if so, what sanctions to order. The tribunal has the power to order a written reprimand or caution, as well as ‘any other measure necessary to fulfil within the arbitration the general duties required of the tribunal’. In practice, tribunals may take the conduct of party representatives into account in allocating arbitration costs.

### **Other notable amendments to the Arbitration Rules**

The 2014 Rules will also see a number of important procedural and technological revisions designed to reduce the timescale and cost of arbitrations.

These include:

- **Emergency arbitrator provisions:** parties seeking urgent interim relief may now apply for the appointment of an emergency arbitrator (Article 9B).
- **Standard form filings:** requests and responses can now be filed via a ‘standard electronic form’ (Articles 1.3 and 2.3).
- **Arbitrator declarations of availability:** in addition to declaring their independence and impartiality, prospective arbitrators must now confirm their availability (Article 5.4).
- **Consolidation:** arbitral tribunals will now have the power to consolidate arbitrations in limited circumstances (Articles 22.1(ix) and (x)). The LCIA Court may also consolidate arbitrations prior to the formation of the tribunal (Article 22.6).
- **Final awards:** the tribunal must render its award as soon as possible following the last submission, in accordance with a timetable notified to the parties and the Registrar (Article 15.10).

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