



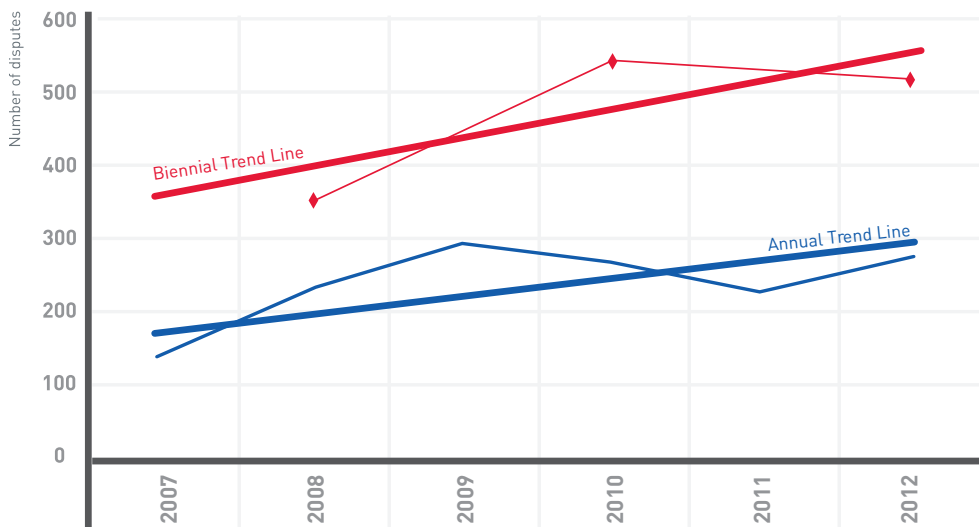
# Registrar's report

## Casework 2012

The LCIA saw a healthy increase in its core casework in 2012. Although there has, as stated in last year's report, been considerable fluctuation over the last few years, the overall trend remains positive.

In 2012, a total of 265 arbitrations were referred to the LCIA, in addition to 12 requests for mediation or some other form of ADR. These figures are only slightly behind the all-time high of 2009 and represent an increase of 18.3% in the number of arbitrations referred to the LCIA, as compared to 2011.

Although more disputes were referred to the LCIA in 2012 than in either 2010 or 2011, the 514 disputes referred during our most recent biennial monitoring period represent a small decrease of 7% as compared to the previous 24 month period (in which a total of 552 disputes were referred, including the high of 285 in 2009).



### Nature of contracts

The nature of the contracts out of which referrals arose in 2012 remained diverse, including agreements relating to offshore oil and gas; seismic surveys; retail operations; sale and purchase of business assets and shares; joint ventures; construction and engineering; telecommunications; loan and other financial arrangements; partnerships; insurance; sale and purchase of commodities; consultancy and other professional services; emissions trading; and aircraft leasing.

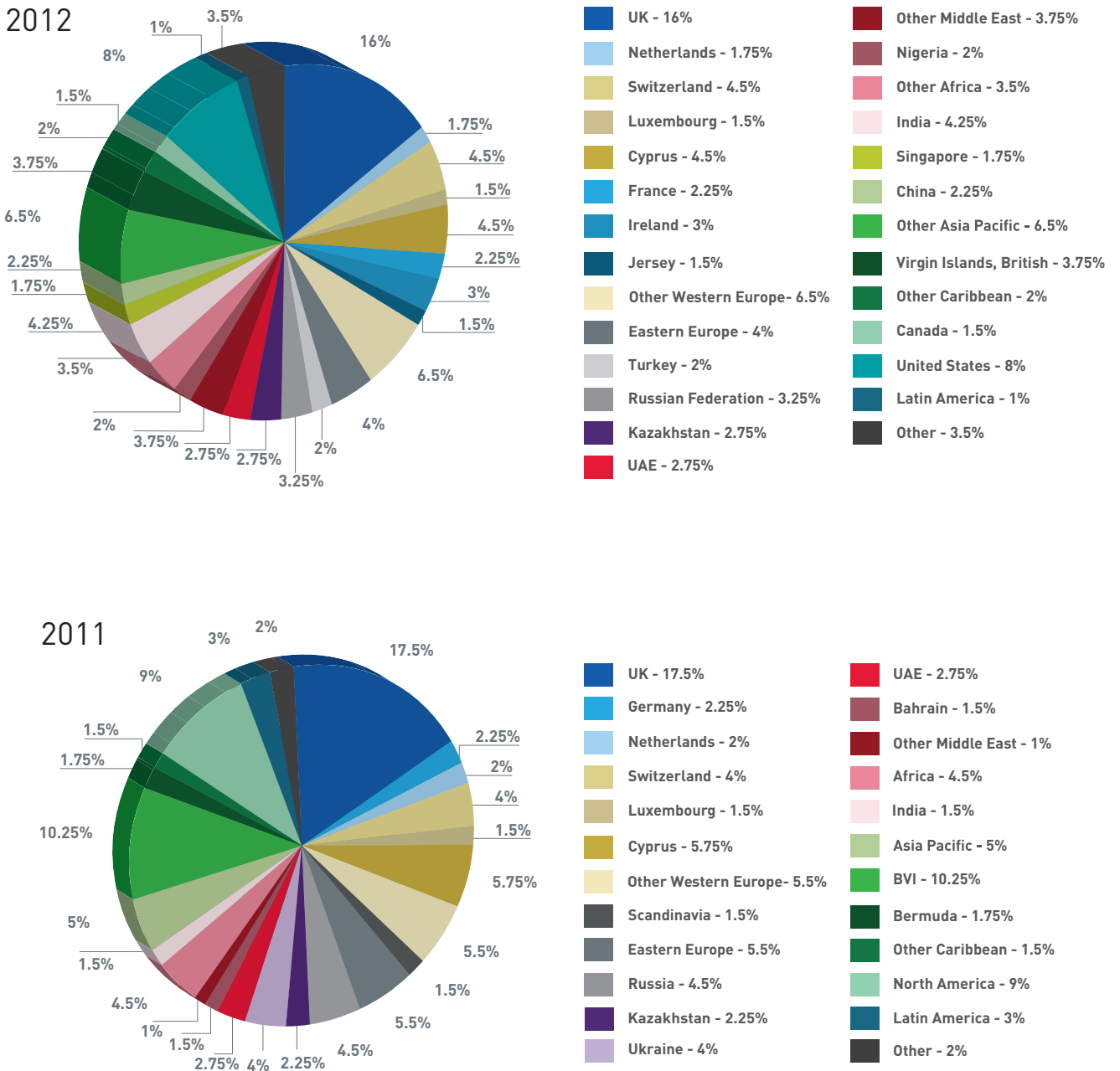
Looking at the three areas that have traditionally given rise to the most significant number of LCIA referrals, commodity transactions accounted for 16% of 2012 referrals (as against 13% in 2011); loan or other financial agreements, including guarantees, accounted for 11% of 2012 referrals (as against 17.5% in 2011), and joint ventures and shareholders' agreements accounted for 9% of 2012 referrals (as against 13% in 2011).

Other areas that were significant in generating referrals to the LCIA in 2012 included oil and gas (8%), legal and other professional services (8%) and construction, projects and infrastructure (also 8%).



## The parties

The international nature of the LCIA's caseload and profile remains evident in the nationalities of the parties who referred disputes to the LCIA in 2012, as the following chart shows. 2011 statistics are shown for comparison<sup>1</sup>.



<sup>1</sup> The underlying cases for 2011 include ten purely "domestic" arbitrations, involving UK parties only. A multi-party dispute involving a total of 33 UK parties has been reduced to only one party on each side, to avoid skewing the figures.



### Sums in issue

In preparing this section, we have this year categorised claims for unquantified sums separately from claims for declaratory relief, and modified how we address multiple claims.

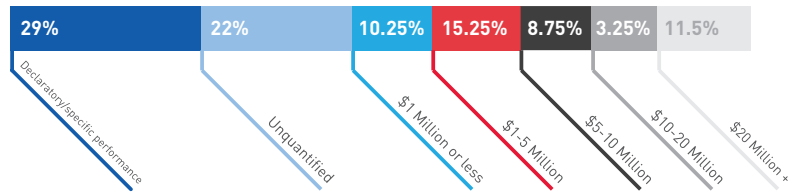
Where a Claimant has claimed both a specified monetary amount and an unquantified sum, we have classified the claim for the purpose of these figures as being a claim for an unquantified sum only; conversely, where a Claimant has sought both monetary compensation (whether quantified or not) and also declaratory relief, we have counted both claims in the figures.

In light of these changes, the figures in this Registrar's report are not readily comparable with those of previous years (in particular, when comparing the number of cases in which claims were made for declaratory relief/unquantified sums), but the changes should, we hope, make the data more informative.

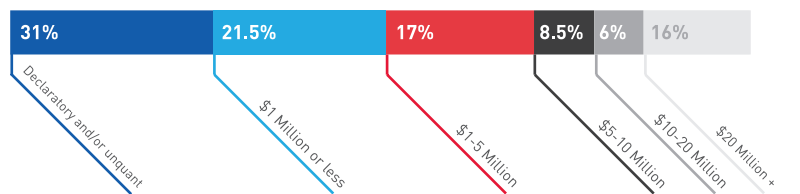
Having said this, the number of referrals that included a claim for declaratory relief or unquantified damages has increased from 2011 to 2012.

There has also been a small shift in the value brackets between 2011 and 2012; with claims of US\$1million or less at 10.25% in 2012, as against 21.5% in 2011; claims between US\$1million and US\$5million at 15.25%, compared to 17% in 2011;

#### 2012



#### 2011



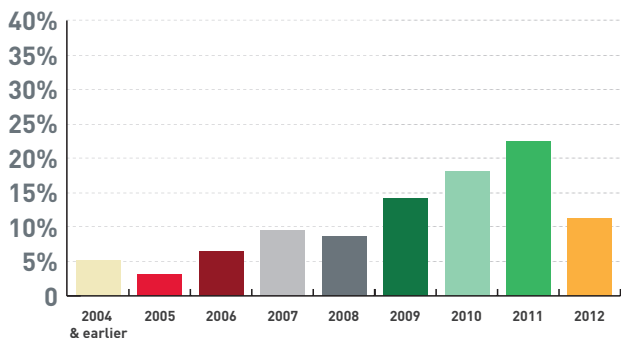
claims valued between US\$5million and US\$10million at 8.75%, as against 8.5% in 2011; claims valued between US\$10million and US\$20million at 3.25%, as compared to 6% in 2011; and claims valued at US\$20million or more at 11.5%, as against 16% in 2011.

Many of these sums were substantially increased by the value of counterclaims and/or by subsequent amendment in the Statement of Claim.

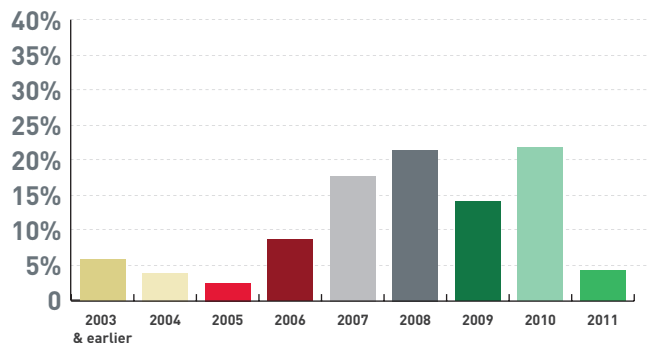
### Contract dates

The dates of the contracts in dispute in cases filed in 2012 (where known), and the parallel dates for 2011, are shown in the following two charts.

#### 2012



#### 2011





## The Tribunals

During the course of 2012, the LCIA Court made a total of 318 individual appointments of arbitrators in LCIA arbitrations, to a total of 166 tribunals, of which 90 comprised of a sole arbitrator and 76 of three arbitrators. 26 of these tribunals were appointed in cases that had been referred to arbitration in 2011, one in a case that had been referred to arbitration in 2010 and one in 2008<sup>3</sup>, and the remaining 138 in arbitrations that commenced in 2012.

In addition, the Court appointed another 17 individuals in UNCITRAL or other *ad hoc* arbitrations, as well as a further 9 individuals as replacements on previously-appointed tribunals, bringing the total number of appointments in 2012 to 344.

Of these 344 [336]<sup>4</sup> individual appointments, 181 or 52.6% [187 [55.5%]] were UK nationals, of whom 84 or 46.4% were selected by the parties, 73 or 40.3% by the LCIA Court and 24 or 14% by the co-arbitrators. Of the remaining appointments, 144 or 41.9% [149 [44.5%]] of the individuals concerned were not UK nationals (of whom 40 or 27.8% were selected by the parties; 91 or 63.2% by the LCIA Court; and 13 or 9% by the co-arbitrators) and 19 or 5.5% were dual nationals of the UK and another country (of whom 9 or 47.4% were selected by the parties; 9 or 47.4% by the LCIA Court; and 1 or 5.3% by the co-arbitrators).

2012, therefore, saw a significant swing in favour of sole arbitrators. In 2009, the ratio was two thirds three member tribunals to one third sole arbitrator; in 2010, the ratio was almost precisely 50/50; in 2011, the ratio tipped back slightly in favour of three-member panels, but, in 2012 tribunals comprising a sole arbitrator accounted for 54% of the total.

In 2012, parties maintained their preference to nominate arbitrators, rather than leaving the LCIA to select suitable candidates, although the preference was not as marked as in 2011.

The nationalities of arbitrators appointed in 2012, other than UK, included Australian; Austrian; Bahraini; Bangladeshi; Belgian; Brazilian; Canadian; Colombian; Czech; Dutch; Egyptian; French; German; Greek; Indian; Irish; Lebanese; Maltese; New Zealand; Nigerian; Peruvian; Portuguese; Russian; Singaporean; South African; Swedish; Swiss; and US.

There continues to be growing public interest in the number of female and first-time appointees. In 2012, of the 344 individual appointments, 33 were of female arbitrators, of whom 26 were selected by the LCIA Court and 7 by the parties. 76 of the 344 appointees had not previously been appointed by the LCIA; of these, 31 were selected by the LCIA Court, 34 by the parties, and 11 were selected by party nominees.

<sup>3</sup> The 2008 and 2010 arbitrations had been stayed at an early stage, before appointment of the Tribunal.

<sup>4</sup> 2011 figures are shown in square brackets for comparison.



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