



Registrar's report 2015

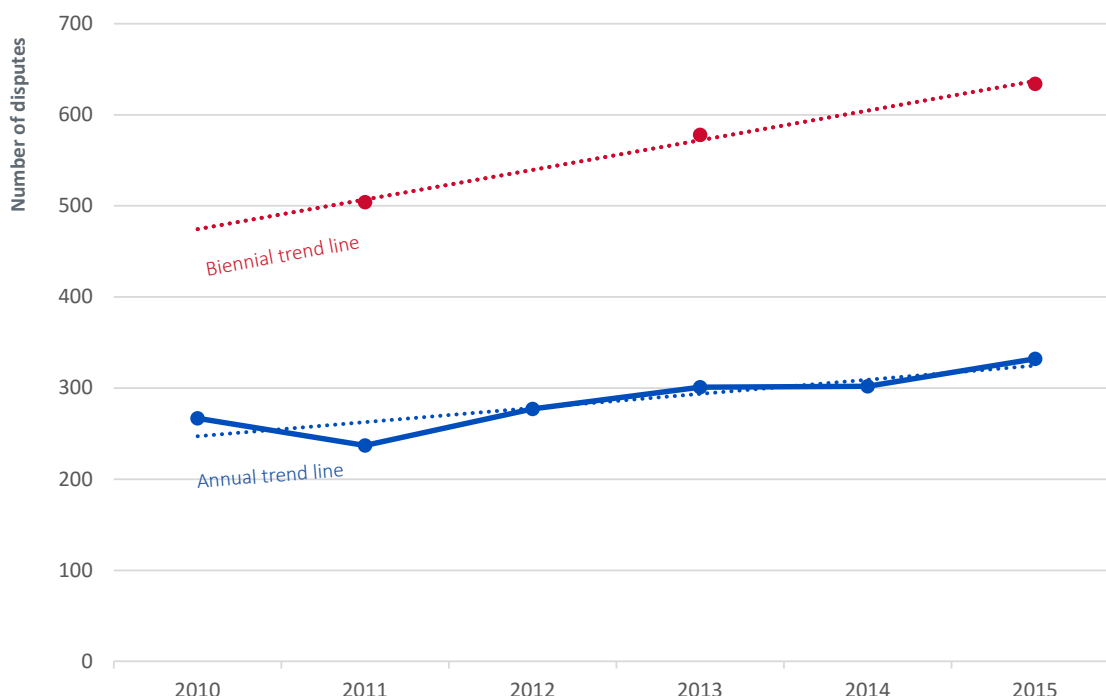
Caseload

The LCIA saw a further increase in its casework in 2015, once again reaching a new all-time high in the number of referrals.

In 2015, a total of 326 arbitrations were referred to the LCIA, in addition to 6 Requests for Mediation or some other form of ADR, bringing the total to 332, representing a 10% increase on 2014.

The 326 arbitrations included 256 arbitrations under the LCIA Rules. The balance were arbitrations under the UNCITRAL Rules, in which the LCIA acted as appointing authority or in respect of which the LCIA provided full administration services, or other UNCITRAL or ad hoc cases in which the LCIA provided fundholding services.

The 634 disputes referred during the most recent biennial monitoring period (2014/2015) represent an increase of just over 5% as compared to the previous 24 month period (2013/2014), in which a total of 603 disputes were referred to the LCIA.



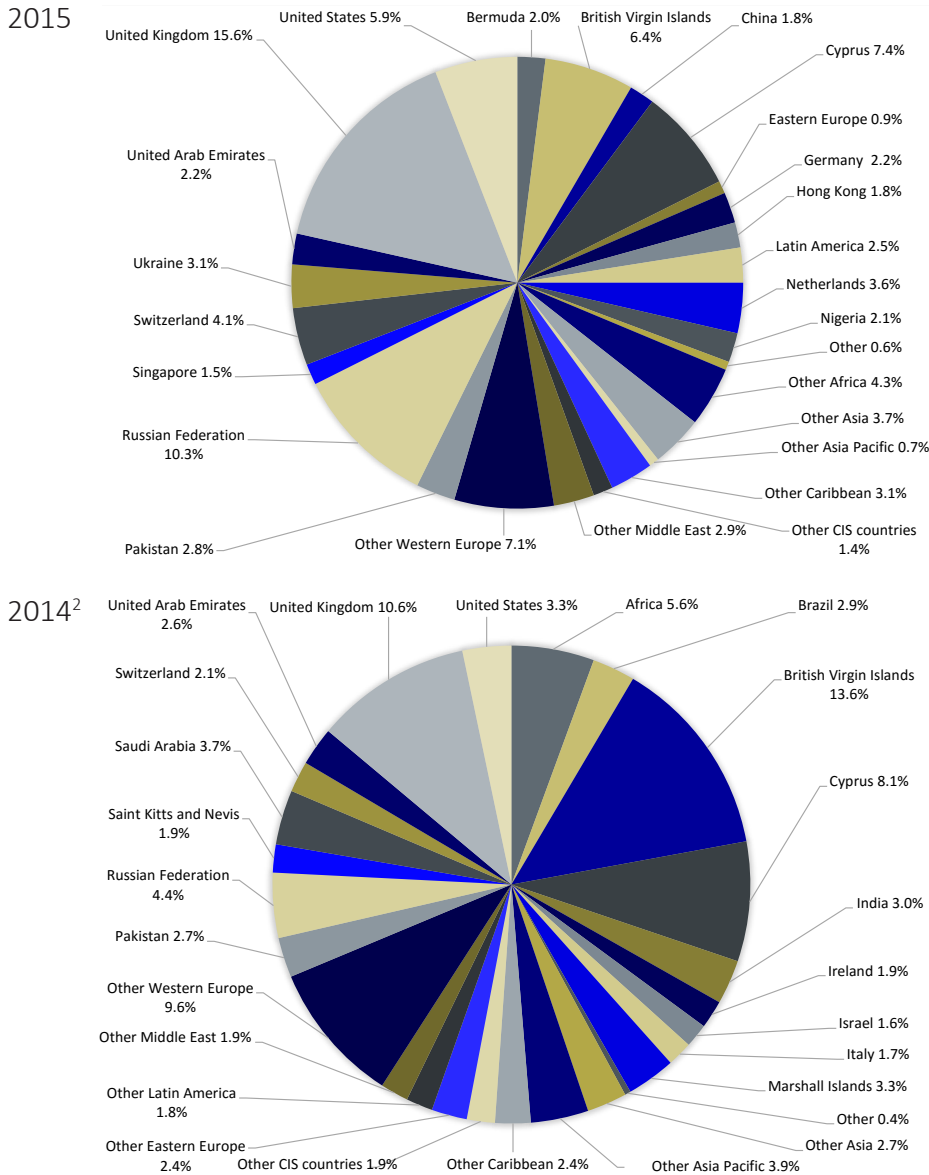
Nature of contracts

The nature of the contracts, and the industry sectors, out of which referrals arose in 2015 remained diverse, including agreements relating to: healthcare and pharmaceuticals; retail and consumer products; mining; offshore oil and gas; sale and purchase of business assets and shares; joint ventures; construction and engineering; shipbuilding; telecommunications; loan and other financial arrangements; partnerships; insurance; culture, media and sports; sale and purchase of commodities; and consultancy and other professional services.

The Parties

The international nature of the LCIA's caseload and profile remains evident in the nationalities of the parties to arbitrations commenced under the LCIA Rules in 2015, as the following chart shows¹. 2014 statistics are shown for comparison.

¹The UK figures shown in the chart include 10 purely domestic arbitrations with a total of 23 parties. In addition, they include one international arbitration with 14 Respondents from the United Kingdom.



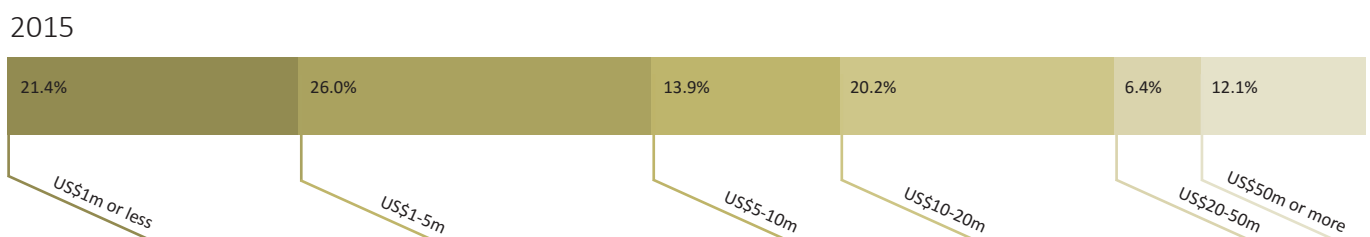
Sums in issue

In 2015, 40% of Requests for Arbitration filed under the LCIA Rules sought declaratory relief and/or specific performance (declaratory relief was sought in 27% of Requests, specific performance in 6.3%, and both declaratory relief and specific performance in 6.6%).

In 74.5% of those cases, the Claimant also sought monetary relief, with Claimants advancing claims for both monetary and non-monetary relief against Respondents in 29.7% of the Requests for Arbitration filed with the LCIA in 2015.

Unquantified sums were claimed by Claimants in 23% of the Requests filed in 2015.

The breakdown of sums claimed in 2015, where a Claimant specified an amount in its Request, is as follows:



²The UK figures shown in this chart include 8 purely domestic arbitrations with a total of 16 parties. Some of the nationality figures appear higher than they otherwise might due to a number of related arbitrations (with the same or related parties) having been commenced in 2014.



As in previous years, some of the quantified claims were accompanied by a claim for unquantified damages, with the result that the above breakdown will almost certainly underrepresent the real amounts sought.

Further, and unlike the LCIA's costs and duration analysis³, which considers claims presented in submissions such as the Statement of Case and Statement of Defence, the above figures represent a snapshot of the claim at the time the Request is filed.

Accordingly, many of the sums shown above were substantially increased by the value of counterclaims by Respondents and/or by a Claimant subsequently amending its claim in the Statement of Claim.

The Tribunals

Key figures

During the course of 2015, the LCIA made a total of 449 appointments of 227 different arbitrators.

Some key figures about these appointments are presented immediately below, with expanded analysis under the subsequent sub-headings.

Of the 449 appointments:

323 were to three member tribunals in 109 arbitrations under the LCIA Rules (including five replacement arbitrators);

118 were of sole arbitrators in 117 arbitrations under the LCIA Rules (including two replacements);

8 were appointments in UNCITRAL or other ad hoc arbitrations;

204 (or 45%) were of candidates selected by the parties;

195 (or 43%) were of candidates selected by the LCIA Court;

50 (or 11%) were of candidates selected by the co-arbitrators;

71 (or 16%) were of female arbitrators; and

65 (or 14%) were of candidates not previously appointed by the LCIA.⁴

Approximately, 70% of the Tribunals appointed in 2015 were for arbitrations commenced in 2015, with almost all of the balance relating to arbitrations commenced in 2014.

In 2015, there were a total of 6 challenges to arbitrators appointed in arbitrations under the LCIA Rules.

Nationality of arbitrators

The nationalities of arbitrators appointed in 2015, other than UK, included Australian; Austrian; Brazilian; Belgian; Canadian; Chinese; Cypriot; Danish; Dutch; French; German; Greek; Hungarian; Iranian; Irish; Italian; Latvian; Lebanese; New Zealand; Nigerian; Russian; Singaporean; South African; Spanish; Swedish; Swiss; Tunisian; Ukrainian; and US.

Preference of three-member tribunals over sole arbitrators

Contrary to the previous year, the appointments made in 2015 reflect a preference for sole arbitrators (52%) as compared to three-member Tribunals (48%).

By way of comparison, 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; in 2012, it swung back to 54% in favour of sole arbitrators; in 2013 and 2014, it again reverted in favour of three-member tribunals with a preference of 54% and 62%, respectively.

³Published on the LCIA's website in November 2015 and available at the following link: <http://www.lcia.org/News/lcia-releases-costs-and-duration-data.aspx>

⁴Some of these candidates might, of course, have previously been appointed by other institutions or in ad hoc cases.



Break-down of who selects the arbitrators

Under the LCIA Rules, the default position is that the LCIA will select the members of the Tribunal, unless the parties have agreed otherwise (whether by their arbitration clause or by later agreement).

The LCIA therefore tends to select more candidate arbitrators than many other institutions.

In 2015, parties reached agreement in many cases that they would nominate arbitrators: as stated above, of the 449 individual appointments, 204 or 45.4% were selected by the parties, 195 or 43.5% by the LCIA Court and 50 or 11.1% by the co-arbitrators.

As compared to 2014, this shows a small decrease in the percentage of arbitrators selected by the parties (from 49% to 45.4%).

Gender diversity of candidates

As stated above, in 2015, of the 449 individual appointments, 71 or 15.8% were of female arbitrators.

Of those 71 female arbitrators:

55 (or 77.5%) were selected by the LCIA Court;

14 (or 19.7%) were selected by the parties; and

2 (or 2.8%) were selected by the parties' nominees.

Putting the above into context, in 2015:

of the 195 appointees selected by the LCIA Court, 28.2% were women;

of the 204 appointees selected by the parties, 6.9% were women; and

of the 50 appointees selected by the nominees, 4% were women.

As compared to 2014, this represents a decrease in the number of female candidates selected by nominees, but an increase in the number of female candidates put forward by parties or selected by the LCIA Court (the 2014 figures were 19.8%, 4.4% and 14.5% for the LCIA Court, parties and nominees, respectively).

First-time appointees

Further, as stated above, of the 449 individual appointments, 65 (or 14.5%) were of candidates not previously appointed by the LCIA.

Of these 65 first-time appointees:

17 (or 26.2%) were selected by the LCIA Court;

40 (or 61.5%) were selected by the parties; and

8 (or 12.3%) were selected by the nominees.

Challenges to arbitrators

In 2015, a total of 6 challenges were made to arbitrators who had been appointed in arbitrations under the LCIA Rules.

Of those 6 challenges:

the LCIA Court upheld one;

the LCIA Court rejected three; and

two were superseded, because the arbitrator in each case resigned following the relevant challenge.



Applications for expedited appointment under Article 9 of the Rules

In 2015, there were a total of 30⁵ applications under Article 9 of the Rules.

Of the 30 applications , a total of 12 were granted, 17 were rejected and 1 was withdrawn.

This compares to a total of 10 applications in 2014 and 17 applications in 2013.

The LCIA did not receive any applications in 2015 for the appointment of an emergency arbitrator under Article 9B of the LCIA Rules 2014.

Applications for joinder or consolidation

In 2015, 7 applications were made in arbitrations under the LCIA Rules for the joinder of a third person.

All were granted by the relevant Tribunal.

There were also 18 applications for consolidation under the new provisions in the 2014 Rules involving 77 arbitrations:

10 applications Rules involving 44 arbitrations were granted by the relevant Tribunal, with the approval of the LCIA Court, pursuant to Article 22.1(ix) of the Rules. In one of the applications, only two out of the three arbitrations involved were consolidated;

3 applications Rules involving 8 arbitrations were granted by the relevant Tribunal, with the approval of the LCIA Court, pursuant to Article 22.1(x) of the Rules;

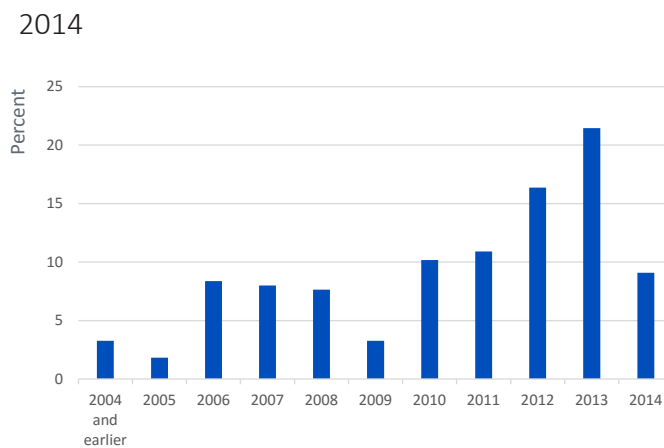
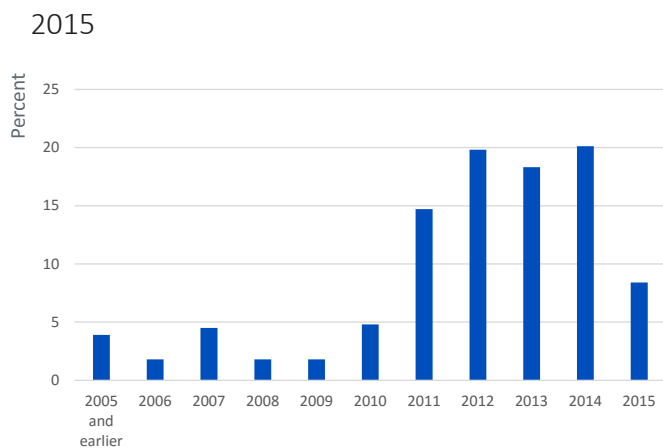
1 of the applications involving 2 arbitrations was rejected by the LCIA Court under Article 22.6 of the Rules and left for later decision by the Tribunal under Article 22.1(ix);

2 applications involving 4 arbitrations were denied (one of the applications was brought under Article 22.1(ix) and the other under Article 22.1(x)) ; and

2 applications involving 19 arbitrations (one brought under Article 22.1(ix) and the other under Article 22.1(x)) are still pending.

Contract dates

The dates of the contracts in dispute in arbitrations under the LCIA Rules filed in 2015 (where known), and the parallel dates for 2014, are shown in the following two charts:



⁵The large number of applications can be partly explained by the fact that 18 applications involved related cases.



Sarah Lancaster
LCIA Registrar

