



A CAREER IN ARBITRATION

Arbitration lawyers help their clients settle disputes out of court. A fast-growing practice area, arbitration is becoming the preferred option for businesses to resolve conflicts. Lawyers specialising in arbitration are in high demand and their roles are becoming increasingly important within dispute resolution. A career in arbitration offers intellectual challenge, variety and prestige.

Arbitration in a nutshell

A growing area domestically and internationally, arbitration is a private and usually confidential form of dispute resolution that's more flexible and informal than a court trial.

Both parties decide how the proceedings will run and which jurisdiction's laws will be applicable.

For domestic cases, arbitration is often quicker and more cost-effective than traditional court proceedings. For international cases, it's also seen to be more impartial.

During an arbitration hearing, each side presents its arguments and evidence to a tribunal. The tribunal gives a definitive decision, referred to as an award.

This decision is binding and enforceable – just like a formal court judgment. In an international case that means outcomes truly have a global effect.

Arbitration lawyers assist their clients by:

- Planning the arbitration procedure before a dispute arises
- Pursuing their claims
- Advising on the law
- Collecting evidence for their case
- Preparing pleadings
- Representing them in the arbitration process (although this is optional)
- Enforcing the arbitral award



Personal strengths of an arbitration lawyer

Lawyers who specialise in arbitration need a rare combination of experience, strengths and skills.

Communication

Your strong communication skills will help you clarify the concerns, interests and issues of all parties – and advise your client meaningfully.

Plus, keeping your client across your decision-making is paramount. This will often involve helping them understand complex laws and legal arguments.

You'll also need sound written skills for drafting pleadings, legal submissions and settlement agreements.

Interpersonal skills

You'll need to listen carefully to your client to understand their issues and needs.

And to get a clear and full picture of the case, you'll be required to interview your client and other witnesses.

To gather this evidence effectively, your skills in empathy and rapport building will go a long way.

You'll also need to build a rapport with the opposing party's legal representation. In international cases, their lawyer will often be from a different legal system. You will need to be able to discuss issues clearly and logically with them.

Decision-making

You'll need to be able to weigh the facts – and apply relevant laws and precedents – to determine the best case-strategy for your client.

You'll have to 'think on your feet' as new facts and further submissions arise during the case.

Your challenge will be determining which negotiation tactics to use – and advising your client when a good deal is (or isn't) being offered.

And to give sound advice for international cases, you'll need to understand how procedures differ between countries' legal systems. This may involve acquainting yourself with legal principles that are unfamiliar to you.

Attention-to-detail

You'll need to be able to shape the detailed arbitral procedure before a dispute.

Cases typically involve large amounts of complex information, so you'll need to be curious and analytical in your thinking.

You'll also need to scrutinise documents, such as pleadings, financial records, detailed contracts, witness accounts and client statements.

Your challenge will be to pay close attention to the details, so that you can find and evaluate what's most useful to your client's case.

A diverse area of the law

Core expertise of an arbitration lawyer



Research & problem solving

Once you have all the information from your client, you'll need to undertake further research.

This may include reviewing relevant laws (including international laws), regulations, policies and precedents.

In international cases, you'll have to get to know how different legal systems operate.

Once you evaluate all the facts, you will advise on the best action for your client. You will then inform them of their options – and explain why you're suggesting a particular path.



Negotiation

As an arbitration lawyer, you'll need to guide parties towards agreement to help avoid the need for a hearing.

This means you must be competent at negotiating in good faith, while also looking after your client's best interests.

And you'll need to argue with conviction to ensure you reach the best possible outcome for your client.

Leading up to and during a hearing, you'll also have to negotiate with the opposing party's legal representation. This may include challenging evidence and aspects of the procedure itself.



Dispute resolution

You will do the preparation work for your client's arbitration hearing – and may present their case before the arbitrator or panel of arbitrators.

For international cases, you must be well-versed different legal systems and be able to take a comparative approach.

Where an award has been made in your client's favour, you will also enforce it – sometimes in more than one country.

Related areas of expertise

- Trade and investment law
- Commercial and corporate law
- Litigation
- Employment law
- Intellectual property law
- Conflict of laws (private international law)
- Public international law and international investment law (for investment arbitration)

Career prospects in arbitration

Arbitration remains a popular field of law in Australia and across the globe.

Businesses often select arbitration as their preferred method for resolving disputes. And the popularity of international arbitration for settling cross-border commercial and investment disputes has grown in recent years.

In an increasingly global world, it is an exciting and growing area of specialisation for lawyers.



How to become an international arbitration lawyer

1

Bachelor of Laws (LLB) 3-4 years

Complete a Bachelor of Laws (LLB) undergraduate degree. If offered by your law school, undertake an Arbitration or dispute resolution elective as one of your subjects.

2

Practical Legal Training (PLT) < 1 year

Complete your Practical Legal Training (PLT). The College of Law offers a Practical Legal Training Program.

3

Practising Certificate from the Legal Profession Admission Board

Be formally admitted by your state regulatory body.

4

Supervised practice at a law firm (18-24 months)

Complete supervised practice at a law firm, preferably within a firm specialising in arbitration or dispute resolution.

5

Continuous learning to further your expertise

Additional learning in the form of:

- Professional development programs in arbitration
- Postgraduate specialisation programs in arbitration
- Membership of arbitration related bodies (IPBA, Law Society chapters)

Interested in our ASEAN+6 Arbitration and Dispute Resolution subject?

Learn more at www.collaw.edu.au/crossborder-practice