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2 **INDIA ADR WEEK 2023**

3
4 **SESSION 1**

5
6 **ARBITRATION CROSS TALK BY PSL ADVOCATES & SOLICITORS AND YAWP**

7
8 **08:00 AM To 10:00 AM**

9 **Speakers:**

10 Justice Gita Mittal (Retd.), Former Chief Justice of J&K High Court

11 Ms. Yuet Min Foo, Director, Dispute Resolution, Drew & Napier LLC

12 Ms. Manini Brar, Head, Arbridge Chambers, YAWP

13 Ms. Rebecca James, Partner, Linklaters

14 Ms. Jayashree Parihar, Counsel, PSL Advocates & Solicitors

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17 **HOST:** Fellow arbitration enthusiasts, friends and colleagues. On behalf of PSL Advocates
18 and Solicitors, I am pleased to welcome you all to today's breakfast event- Arbitration crosstalk
19 in collaboration with ArbitralWomen as part of the MCIA's India ADR Week 2023. This event
20 promises an engaging, free flowing conversation among distinguished Arbitration Arbitrators
21 and Arbitration, Arbitrators and Arbitration Counsels and aims to capture insights from their
22 inspiring journeys. A word and a shout out for our collaborators. ArbitralWomen is an
23 international non- Governmental organization founded in 1993, bringing together women
24 international dispute resolution practitioners and works to continuously advance the interest
25 of women in dispute resolution. It has close to 1000 members from jurisdictions across the
26 world, spanning across 40 jurisdictions across the world. As a new age law firm spousing the
27 cause of gender diversity and inclusivity in the legal profession, we are delighted to host this
28 event in collaboration with ArbitralWomen. Today we have with us an illustrious panel of
29 speakers comprising of highly accomplished and distinguished women in arbitration practice.
30 Please allow me to introduce them. First we have Honourable Ms. Justice Gita Mittal. Justice
31 Mittal served as the first woman Chief Justice of the Jammu and Kashmir High Court. And
32 prior to that she acted as the acting Chief Justice of the High Court of Delhi. She regularly sits
33 as Arbitrator in high stakes domestic and international arbitration. She is an inspirational
34 figure for women in the legal profession. We also have with us today Ms. Rebecca James.
35 Rebecca is a partner at Linklaters, Singapore. In the international arbitration practice, she is
36 widely recognized as an international arbitration specialist with a strong focus in the Asia
37 Pacific and the Middle East Region. She has over 13 years of experience practicing in



1 Singapore, England and Australia. She also has expertise in investment arbitrations and public
2 international law matters. Next we have Ms. Yuet Min Foo, Ms Yuet is the Director Dispute
3 Resolution Practice at Drew & Napier, Singapore. She regularly appears before the Singapore
4 Courts as a lead Counsel, and also in complex SIAC and ICC arbitrations. She has also served
5 as an Arbitrator in numerous SIAC, ICC and ad hoc international arbitrations. She has
6 particular interest in dealing with multilingual proceedings. Last but certainly not the least we
7 have Ms. Manini Brar. Manini is the head of Arbridge Chambers and specializes in commercial
8 arbitration and investment arbitrations. She is the member of the Steering Committee of the
9 Young Arbitral Women Practitioners Group. She also sits on the advisory board of the Indian
10 Women in International Arbitration Group. She often dons the hat of an Arbitrator in
11 domestic and international arbitrations and has been appointed as an Arbitrator in numerous
12 matters by the High Court of Delhi. Today's panel discussion would be moderated by our very
13 own Ms. Jayshree Parihar. Jayshree is a Counsel at PSL Advocates and Solicitors. And she is
14 also our in- house fitness coach and a very avid mountaineer. I leave the floor open for
15 discussion and hand it over to Jayshree.

16

17 **JAYASHREE PARIHAR:** Thank you so much, thank you so much. Thank you so much to
18 the panellists for accepting our invitation and joining us today. When I sit on the stage, I
19 actually see more men than women attending this event. And I'm ecstatic to see the turnout at
20 least for an 8am event, which I know is very, very tough for a lot of people to get to. So thank
21 you so much, everyone, for joining us today. The format of today's session would be a question
22 and answer session where I'll be posing certain questions to the panellists and they would be
23 responding to these questions, which we've devised. So my first question and I'm quickly
24 moving on to the questions now. My first question is directed to everyone, and I'll start with
25 Rebecca first. What are the skills required to be a successful Arbitrator? And from you, I would
26 request a Counsel's perspective on this.

27

28 **REBECCA JAMES:** Of course, thanks so much Jayashree and everyone has different
29 perspectives on this. But from my perspective, there are a few key attributes that you always
30 need. The first is technical confidence, and that almost sounds so obvious. It goes without
31 saying, but you can you can have a wide range of goals in play in these sorts of things and
32 making sure you have actually picked somebody that has relevant knowledge and expertise is
33 really key. The second point is procedural regard. And this isn't a difficult part to get right
34 sometimes, because if you have, in my experience as an Arbitrator that if one is not prepared
35 to take control of the process can really end up in the downward spiral of time and cost in
36 arbitration that so many users are unhappy with. So making sure you have somebody who
37 really prepared to take the reins is quite important. And the final one which is close to my



1 heart and I think everybody here is actually, our diversity and I think you sometimes see there
2 are too many of the same people being reappointed again and again, and it's really incumbent
3 on all of us to get a broader mix of people sitting. And that's because it is both the right thing
4 to do, but also this results and better quality. And frankly, a lot of new people coming through
5 often have better availability we were discussing at coffee beforehand, actually. So it tends to
6 lead to better results for the clients. When you do have younger, [UNCLEAR] people that are
7 appointed sometimes.

8

9 **JAYASHREE PARIHAR:** Manini, would you like to add something to that?

10

11 **MANINI BRAR:** Thank you Jayashree. Thank you for that wonderful introduction and for
12 having me here. One of the skills is certainly consistency, that is not to upset what has already
13 been said, so I wholly concur with what Rebecca has already said. But I would just add from
14 an Arbitrator's perspective that what I have seen is when you're starting out you have to devote
15 enough time and attention to your arbitrations, which is something as practicing Counsel, we
16 sometimes lose sight of. It might be a small matter, and it might be a low dispute, but it's
17 important that at every step of the procedure you're very alive to the needs of the parties and
18 the needs of the dispute. And I think the smaller the matter, usually it is more procedurally
19 complex, because either one or both of the Counsels are not frequent as arbitration
20 practitioners. Or there are procedural issues that come up along the way, some of which are
21 very novel because parties will try everything in a small dispute. So, I think that is something
22 that one has to be alive to. You have to be thorough and not think of it as a small dispute. And
23 I think the other thing is certainly visibility. That is a skill that you need. You need to be able
24 to say that this is something that you want to do and to convince yourself that you're adequate
25 to the task. Otherwise, even when you are sitting in hearings it's very easy for the Counsel also
26 to sense the sort of uncertainty on the side of the side of the Arbitrator. So if you don't have
27 the conviction that you're going to be able to conduct this proceeding and that you're going to
28 be in this position of authority, then it's very difficult to carry through an entire arbitration.
29 That's what I would say.

30

31 **JAYASHREE PARIHAR:** Thanks. Manini. Justice Mittal, would you like to add something
32 to this?

33

34 **JUSTICE GITA MITTAL:** Namaskar, Sat Sri Akal, Asalam Alaikum. Salaam. A very good
35 day to everybody. Thank you for inviting me to be part of this wonderful panel. We were talking
36 of inclusivity. The opening words did say that, but I see there's not a single man with us on this
37 panel. It would have been nice to be joined by some one or two men here. But thank you to



1 everybody, not only the organizers, but to everybody who's been joined here at 08:00 a.m. in
2 the morning. You see, everybody on this panel has more experience than I do, as in arbitration.
3 But I'm trying to learn and hoping to learn fast. And I have found from my experience that the
4 procedure of arbitration varies very clearly and absolutely from Court proceedings. The
5 requirement of legal knowledge, as Rebecca also said, is very imperative. You may need
6 domain knowledge of the subject, and it is very essential for Arbitrators to be ready to be
7 prepared with the matter all the time. Your analytical and thinking skills have to be honed and
8 fine-tuned always, your communication skills are required as has been pointed out by Manini,
9 also, writing and communication skills have to be very crisp, efficient and you have to have an
10 ability to be able to relate to the parties unlike in normal Court in ordinary Court jurisdictions.
11 Then I have also found that you need to be emotionally and culturally context not only with
12 the subject matter of the dispute, but also with the parties. You need to have impartiality which
13 is an essential part of the requirement of an Arbitrator and an ability to listen. Very, very
14 important. In Court you have a captive audience, and Judges are able to get there and say what
15 they want to. But in arbitration, it is very important to have the ability to listen to both sides
16 and an ability to write clearly in language which is easily understandable by the parties. There's
17 confidentiality attached to the words, but your language should be clear, and you should have
18 the skill to be able to write and deal with issues clearly and with clarity. So that they're
19 understandable and finality is achieved to what is written in the word.

20

21 **JAYASHREE PARIHAR:** Thank you so much Ma'am. Anything you want to add to this Yuet
22 Min. Okay, Yuet Min can be addressed as Yuet Min or YM however you prefer while asking
23 questions.

24

25 **YUET MIN FOO:** Just a very quick one. I was going to say willingness to listen. But Judge,
26 you have mentioned that. And I will just add a very good organizational skills, to organize
27 parties in the event that they can't organize themselves. I'll just end there.

28

29 **JAYASHREE PARIHAR:** Thank you so much. My next question is a Counsel perspective
30 question specifically addressed to Rebecca from a Counsel's perspective, on which all
31 parameters do you evaluate prospective Arbitrators before nominating them as Arbitrators in
32 your matters?

33

34 **REBECCA JAMES:** I think to be honest, my answer to this question overlaps a lot with the
35 last one, actually. So I think all of the points we've talked about technical competence,
36 procedural rigor, relevant experience, cultural sensitivity and context, which is key, are all
37 really important. The one point I would probably add is the client overlay actually to all of this.



1 So it will depend a bit on the matter but ultimately we will always need to put forward
2 recommendations, but act on instructions, so some clients might have a preference for a
3 certain type of Arbitrator. And that will always be a really important part of the ultimate
4 nomination process from my perspective.

5

6 **JAYASHREE PARIHAR:** Just a follow up to that, would you also look at panel dynamics if
7 you are just nominating a party's nomination of an Arbitrator. Would you also keep in mind
8 the other nominated people in the panel?

9

10 **REBECCA JAMES:** Absolutely. I think it's a really insightful question. And that's absolutely
11 key, because what you really want is when you're putting forward your party nominated
12 Arbitrator for that person, not just to be able to do a good job individually, but to gel well with
13 the other Tribunal members and to be both influential and not, to be honest, so difficult to get
14 along with that the other Arbitrators would love to find a way to disagree with. So finding that
15 personality can be difficult, but we always give very careful thoughts overall, panel dynamics
16 in the early stages.

17

18 **JAYASHREE PARIHAR:** Thank you. Thanks Rebecca. Now next question is quite exciting
19 actually. Ma'am, this is for you. After arbitrating on numerous matters what do you see as a
20 measure of success of an Arbitrator? Is it the number of reappointments or the fact that the
21 award is not set aside?

22

23 **JUSTICE GITA MITTAL:** You know, having been a Judge for almost 20 years, I saw there
24 used to be a competition, as to, we used to measure Judges' work in similar factors, like
25 [UNCLEAR] number of cases decided, and it was all to do with numbers. So far as measuring
26 the success of an Arbitrator is concerned, I don't think numbers matter at all. It has to be the
27 perception that you're able to create in the mind of Counsel and the parties. The worth of your
28 work, the value of, even your integrity, the reputation that you're able to build as an Arbitrator
29 who listens, as an Arbitrator who delivers, as an Arbitrator who is efficient. I am an Arbitrator
30 of very recent vintage only about I demitted office only in December 2020. So as of now I don't
31 even have three years' experience. But my sense and this is what I've been able to discern. And
32 this is how I would like to work, is to be treated as with respect amongst my peers, amongst
33 Counsels, amongst parties who have appeared before me. What happens to my award should
34 not matter. There is always two sides to a coin. I always said justice is not defined. The party
35 who succeeds in a case or gets a judgment in their favour says justice is done. The other side
36 would invariably say injustice has been done, and there are always ways of interpreting law,
37 interpreting facts. So what happens to your [unclear] shouldn't matter? But so long as you



1 have been efficient, honest and be able to enforce the qualities of fairness, transparency, and
2 impartiality.

3

4 **JAYASHREE PARIHAR:** Thank you so much, Ma'am. I think this really ties well with the
5 visibility point, which Manini, was also speaking of earlier. My next question is to Manini.
6 What barriers or obstacles do new Arbitrators face when seeking a first appointment? And if
7 you could go ahead and answer that and follow it up with an answer from Rebecca? Thank
8 you.

9

10 **MANINI BRAR:** Can you hear me? So I think for me my experience, I can only talk of my
11 experience and a little bit about my experience at the ICC, where I was the Deputy Counsel
12 and I was very much in the throes of the job of appointing Arbitrators on a daily basis. And
13 even now as senior legal Consultant with the Ministry of Commerce, we do come up with lists
14 of potential Arbitrators and discuss Arbitrators for the investor- state disputes and like things.
15 So just from the perspective that I have as a young Arbitrator and the appointments that I
16 consider now, I think the one most important thing is a skill that unfortunately it's a little
17 difficult, I think, for women to develop, is networking. For me that is top of the line because
18 it's a bit like out of sight, out of mind. And there are so many good, capable advocates and
19 lawyers that unless you know that somebody is interested in this line of work and has projected
20 themselves as so, it's very difficult for that person to readily come to your mind. So I would
21 definitely say that that's number one. And the other thing that I have picked up is over the
22 course of my arbitrations, what I have learnt is that you need to start sort of thinking as an
23 Arbitrator, as opposed to a Counsel. And that's not an easy transition for everybody to make,
24 because Counsel, as Counsel we are sometimes very, I want to say alternatively argumentative.
25 We'll say, okay, there's this option and then there's this option and it's also bad in law because
26 there's no jurisdiction. And there are five different arguments and really what you need to do
27 as an Arbitrator is to be able to distil all that information and come up with what is the most
28 appropriate decision in a particular case. That requires a certain amount of legal training and
29 it, so I would say take the Tribunal Secretary program of any good institution. The MCLA has
30 one as well. The HKCIA has one. There are any number of institutions, or sit, clerk with an
31 Arbitrator so that you know that this is something, how it's supposed to be approached? What
32 is the procedure? What is Procedural Order 1? How do you deal with the case management
33 conference? Otherwise, it's very difficult for you to, when you have, first struck with your first
34 appointment, to know exactly how to conduct yourself and how to think about the dispute. So
35 I would say these two things- networking and also a certain amount of transition in your
36 thinking, which only comes from experience.

37



1 **JAYASHREE PARIHAR:** Thanks Manini. Rebecca, anything you would want to add to
2 this?

3

4 **REBECCA JAMES:** Yeah. Thanks so much I would add two points. One, I guess with my
5 hat on of what I see on the appointing side as Counsel, on the other, with my hat on is trying
6 to get an appointment and failing so far actually. So on the first point it is a source of personal
7 frustration for me sometimes that clients are quite, understandably but, conservative in the
8 appointments that they would like to make. So when you might have identified somebody that
9 you think will be fantastic, but they don't have many credentials under their belt as Arbitrator
10 yet, or sometimes even none, you might recommend the name, and the client might be the
11 most wonderful human being who will be, in principle, very keen on broadening the pool of
12 people. But then when you sort of really drill down into it and say, well, fantastic, how about
13 on this case? Oh, I mean, maybe not on this case and as long as you can, have you seen them
14 in action, can you guarantee that they will perform as well as this person that has five to ten
15 years' experience? And you can very quickly get to a place where you just cannot get the person
16 appointed even when you want to actually, because of that concern with the high stakes
17 disputes we deal with, that it's just not the right time for them to have their moment. So that
18 is one challenge, I think. And one of the best ways of meeting that challenge is to do sort of the
19 Tribunal Secretary training, to take the lower stakes appointments when you can build up
20 those credentials. I guess my second point and just on from the perspective of having been
21 approached by various institutions to offer me appointments a few times, one challenge you
22 can really face when you're trying to do both Counsel and Arbitrator work is law firm conflicts
23 and I can see some nods at the other end of the table, I mean, law firm conflicts. So that is
24 realistically a barrier. And a lot of people I've talked to have been in the same position, have
25 said that it's maybe a three in ten success rate. Two in ten success rate. So the advice I have
26 received is just you need to be patient, to not give up, and hopefully it will come to it at some
27 point.

28

29 **JAYASHREE PARIHAR:** Thank you. Thanks, Rebecca. In fact, that's how declarations of
30 being independent or unbiased plays such an important role in arbitration. My next question
31 is for Yut Min. How did you get your first appointment? And if you could just share some
32 anecdotes with us in relation to the same?

33

34 **YUET MIN FOO:** Yeah, I got my first appointment by elimination. By having a different
35 nationality from my peers, by having a certain language ability that was required for the case
36 and I think most importantly a mentor who was watching out for me when he was asked by
37 SIAC to give a name. He ran through all the people he knew. And he thought, okay, I think



1 there's only one person. Because in that case they couldn't appoint a Singaporean. So I
2 practiced in Singapore. But my nationality is Malaysian, so they couldn't engage. They couldn't
3 appoint Singaporeans because one of the parties were Singaporean. The other party was
4 Chinese. They needed somebody who could speak, who could read and write and speak
5 Mandarin. I could do that. I could do that. It was a very small case in the large context of things.
6 But I think as a very young person I was very young at that time. Obviously, there's a
7 willingness to take on anything that comes your way. It was very new to me to take on a
8 position as an Arbitrator. I've seen my mentor doing it. And so I thought, okay it can't be that
9 bad. I sort of helped him in some things I think I should be able to do that. So that's how I got
10 my first appointment. And I think in a way, once you get your name in, known to the institution
11 and if they see your award, and it's not that. Usually you sort of remain in the list and they may
12 appoint you again later on. But I completely concur with what Rebecca is saying. Somebody
13 asked me in another talk. Similar to this. How do you manage your Counsel work with your
14 Arbitrator appointments because usually Counsel work you don't get to control the timeline.
15 So does that mean that when you do Arbitrator work you don't have enough time to do that. I
16 always say that the conflict system will take care of it, because the percentage success is very
17 low. You get asked ten times. You are lucky if you can get two that are cleared of conflicts,
18 especially if you work in a full service law firm, more often than not, you'll be conflicted out.
19 And also because the institutions are very careful. From my experience, they're very careful in
20 basically listing out every single possible name that's involved in their case, even if they were
21 just the General Manager who was involved in something the name is there. And you have to
22 clear conflicts for, like, 15 people. So it's almost impossible. But I think that's one of the things
23 that would help to get your first appointment. Just having something I suppose that is a bit
24 different from the people you are, within the selection pool. I think that will be key I think in
25 getting your first appointment.

26

27 **JAYASHREE PARIHAR:** Thank you. Thank you so much.

28

29 **JUSTICE GITA MITTAL:** Can I add something?

30

31 **JAYASHREE PARIHAR:** Yes, Ma'am. Of course

32

33 **JUSTICE GITA MITTAL:** It's rather mostly a question, to Rebecca and Yuet. Don't you
34 find gendered appointments? Gender is an issue in the appointments? I think there's a very
35 low glass ceiling for, where women are concerned. And this is all over, everywhere. But it's a
36 struggle to get the appointment also because of your gender?

37



1 **YUET MIN FOO:** Yes and no. So yes insofar as I think to get party nominations is very
2 difficult. Party nomination is very difficult. And it's not because other lawyers are not willing
3 to put up your name. It's what Rebecca has said. When the client starts asking certain
4 questions, many traditional clients have certain views on what kind of factors, what kind of
5 attributes make for a good Arbitrator. And I think sometimes if in a panel of three, they may
6 think that the female may not be as assertive in putting forward the case of the nominator of
7 the party that nominated them. So I think party nominations are extremely difficult. But I
8 think in Singapore, for example, I think the institutions do a great job at promoting the
9 diversity. So they make a huge effort in always trying to find names that are out of the ordinary.
10 I think they try very hard to do that. So I think party nominations truly difficult even until now,
11 I feel. Even when I try to give names to the clients often they will end up in the final selection,
12 but they won't be selected.

13

14 **JAYASHREE PARIHAR:** Rebecca, would you like to add something to it?

15

16 **REBECCA JAMES:** Yeah, I completely agree with that. I've lost count of the number of times
17 I've had comments from clients that have a degree of subconscious bias. You have a very
18 experienced woman, are we sure she's assertive enough? Yes, she's assertive enough. And you
19 would not have said the same thing about a male with a [UNCLEAR] experience. So that's a
20 challenge. But I just had one uplifting note there. I'm seeing a real change come through from
21 a lot of corporate clients with their own focus on diversity. And increasingly they have their
22 own commitments to meet where they need to put forward a certain percentage of female
23 candidates and consider broader diversity as well. So I think the direction of travel is positive,
24 even though we're starting from quite a low base on party nominations.

25

26 **JAYASHREE PARIHAR:** Thanks, Rebecca. In fact, just to add on, that's why
27 ArbitralWomen as an organization or equal representation in arbitration, the Pledge plays
28 such an important role in promoting diversity and arbitration and these organizations, I think
29 everyone should just go online and check out what ArbitralWomen stands for, or ERA Pledge,
30 which is the Equal Representation in Arbitration stand for and just go through their objective
31 and understand exactly what is the need of the hour and where we are walking and why we are
32 having this panel discussion today. Thank you. My next question is to Manini. Given your
33 experience with various arbitral institutions and how you worked with them and also worked
34 as an Arbitrator through them, are there any institutions which are open to new and young
35 Arbitrators and are there any additional or different consideration which arbitral institutions
36 have while appointing a new Arbitrator, and how can young Arbitrators be empanelled as
37 Arbitrators with such institutions?



1
2 **MANINI BRAR:** Thank you Jayshree, for that question. And just a minor correction. I have
3 not yet received an institutional appointment and so, just to carry on from the discussion that
4 just happened before this is, a real heartfelt hat tip to the Delhi High Court and not because
5 Ma'am is sitting here because I have received a plethora of appointments, over 15
6 appointments from the Delhi High Court. And when you think about institutions promoting
7 gender diversity, I know that the High Court in Bombay is also actively appointing younger
8 lawyers and women as Arbitrators in *amicus curiae* in various matters. And so is the Delhi
9 High Court really promoting the younger bar. So in India, one of the things that you can do is
10 just pursue your practice with a certain amount of rigor and faith in the appropriate forum
11 and hope that something will work out, so that's number one. But on your specific question, I
12 do think that the biggest challenge for me to get my first appointment was certainly my
13 visibility and now I'm talking about not visibility within a particular dispute, but to be out
14 there and to be noticed as someone who was interested in this kind of work. And I think that
15 forums such as whether it's ArbitralWomen, whether it's IWIA whether it is, a lot of the
16 institutions who have now taken up diversity very seriously are a really good place to start,
17 because they are specific and they create smaller communities. See, you can be a part of a
18 much bigger community. You can be a part of, like a young members group in an institution.
19 But that's a much bigger community and therefore, visibility in that community is slightly
20 more difficult to get. But if you focus on smaller groups, which are more specific to your areas
21 of practice and there are many of those. I do think that that is a very good way of, sort of
22 starting out. And just to share an anecdote when I was with the ICC, in about 2017, we sat
23 down one day with this determination where we said, okay, we're going to list down the
24 number of women Arbitrators that we know because we're not appointing enough of them at
25 the time, and we came out with about eight names, after about an hour of sitting together and
26 brainstorming. And it just made us wonder, because it's not like there are not enough
27 competent advocates out there. It's just that one doesn't know of them. Partly it was a lot of
28 course correction for us. But it just goes to show that you have to be in the mind of the
29 institution. And in addition to these forums, in addition to the networking that you do, one
30 more thing that you can certainly do is get your qualifications. Because there are certain
31 qualifications that equip you to be an Arbitrator. So whether it's a Tribunal's training program
32 or the SCIR, which is a great qualification to have. Even if you're an independent advocate,
33 become a Fellow of the Charter Institute of Arbitrators, it's a fairly straightforward process
34 and a quick one. And that will put you in the league of people who are open to appointments.
35 So I think that also helps a lot.

36



1 **JAYASHREE PARIHAR:** Thanks, Manini, next question is address to everyone, but I will
2 start with Justice Mittal on this one. Why is the Case Management Conference so important,
3 especially from the point of view of time and cost effectiveness?
4

5 **JUSTICE GITA MITTAL:** So first and foremost, it enables you to identify the issues involved
6 in the party issues involved and it enables you to get to know the Counsel as well as the parties
7 very quickly it streamlines the formalities like discovery of documents, interrogatories et
8 cetera., enables you to shorten the procedure. It also most importantly, which I am very strong
9 on I believe very strongly is it enables settlement discussions, it enables you to develop the
10 bridge between the parties to commence and explore the possibility of resolving a dispute. It
11 leads to certainly a more efficient and a very productive arbitration process. You're able to also
12 manage that deadlines and timelines that you have fixed are met very strictly and also enables
13 monitoring and addressing any concerns of the parties as the arbitration progresses, curtailing
14 any pitfalls or any creases that may come in the process.
15

16 **JAYASHREE PARIHAR:** Thank you so much, Ma'am. Yuet Min, do you like to add
17 something to this?
18

19 **YUET MIN FOO:** Maybe from the Counsel perspective. I mean from the Counsel perspective
20 I think that first procedure like, case management hearing to be a place where you sort of try
21 to gauge what works for the Arbitrator or a panel of Arbitrators. You try to figure out what's
22 the dynamic amongst them and what would work, because that's your first time seeing them,
23 even if you know them individually, it's likely the first time you see them together and how
24 they discuss and who takes the lead and who gets to influence the presiding and things like
25 that. So other than the fact that you need to pay a lot of attention to the actual procedure that's
26 going to determine how your case is run, because I think oftentimes and now Procedural
27 Orders are getting very long. Oftentimes you miss out certain details that would then give you
28 problems later on. So it's actually quite important to read through that and then be able to
29 discuss that and sort it out. But I think mainly for me I think that as an opportunity to assess
30 and gauge, how the Arbitrators are going to work together. So that when you later on present
31 your case, you sort of make sure that you cover all grounds because everybody will be focused
32 on different things. Each of the Arbitrators will be focused on different things and you need to
33 be able to address each of those concerns to make sure that you leave no stone unturned.
34

35 **JAYASHREE PARIHAR:** Thanks, Yuet Min. Anything you want to add Rebecca, Manini to
36 this?
37



1 **REBECCA JAMES:** Just briefly, I completely agree with that. I think [UNCLEAR] is a really
2 important opportunity to assess, engage Tribunal dynamics, but the extra point I would add is
3 that it's also your first opportunity to create an impression with the Tribunal. And I think it's
4 important that the earliest possible stage to try to set yourself up as the credible voice, the
5 adult in the room, the person that will be reasonable that they can trust as the case moves
6 forward. So I think that can end up being linked to the substance because it means, in my view,
7 that you shouldn't take every stupid, procedural point unless you really think it's important.

8

9 **JAYASHREE PARIHAR:** Thanks, Rebecca. Yes, sure.

10

11 **MANINI BRAR:** Can I just add to that? From the Arbitrator's perspective also it is the
12 occasion to gauge the parties. So there's a lot of gauging going along in the CNC, because you're
13 also trying to understand, it's your first impression of the case. You basically just probably read
14 the request for arbitration or the notice for arbitration. And in you're trying to see where the
15 parties are and how much they will argue on the procedure. And typically, what happens is if
16 one side, for example, the Respondent is asking for an unreasonable amount of time, for
17 example, to file the statement of defence, as an Arbitrator I am understanding that there is
18 some delay that is being pushed on one side and it's just something that stays with the
19 Arbitrator. So, I think it's important for the Arbitrator's perspective also to sort of understand
20 what the dispute is, who the parties are, what is the particular procedure that this particular
21 case requires, which is very different in different cases. You have a jurisdictional objection, are
22 you going to have two timetables, one for bifurcation and another for no bifurcation, are there
23 any disclosures that have been left out, where are you with the case, I think that's important.

24

25 **JAYASHREE PARIHAR:** Thanks Manini. My next question is for Yuet Min. I think
26 everyone would want to know the answer to this question. Are there any jurisdictions where
27 you think appointments are easier? And if so, why?

28

29 **YUET MIN FOO:** It's my opportunity to sell Singapore now. No I think in most jurisdictions
30 where international arbitration is a main product where it's important, I think you would find
31 it easier to get appointments. I was actually telling Jayshree, I said this question is very
32 difficult, but I'm happy to just say something so that we can get the conversation going because
33 I think in places where they are trying to promote themselves as arbitration hubs that's the
34 place where there will be an effort made to renew the arbitration circle and to bring in more
35 people into the circle because the more invested people are, the more that place will grow as
36 a hub. I don't know, there are many concerns, I suppose, I'm told that in India is very difficult
37 to break in because parties are used to nominating particular Arbitrators from a very select



1 small group and that makes it difficult for new people who are trying to get new appointments,
2 to get appointments to break into that circle. But I find that a lot of the effort is really from the
3 institutions and from people who are selecting, as Manini, mentioned, just now, just sitting
4 people actually spending time to sit down and think about who you actually have and that will
5 then spur certain action later on and help the circle grow. So I think in most of the main hubs
6 for arbitration, those, comparatively would be the places where I think it may be relatively
7 easier to get appointments. Not sure whether Rebecca or Manini has any views on that.

8

9 **REBECCA JAMES:** I don't have anything to add to that. Actually, I agree.

10

11 **JAYASHREE PARIHAR:** Thank you so much Yuet Min. My next question is for Justice
12 Mittal, and I think all of us have witnessed this. How do you deal with parties adopting dilatory
13 tactics or guerrilla tactics and arbitrations?

14

15 **JUSTICE GITA MITTAL:** Many years of experience in dealing with that. We are
16 proverbially, Indian Courts are, its proverbially said about delays at Courts. Two reasons why
17 parties indulge in this. One is to delay adjudication, and the second purpose, more important
18 is to tire the other side out. Go on taking adjournments so that costs go up and the party finally
19 says, enough is enough. But the bottom line and how to deal with that is to be prepared. To
20 expect that such things may happen and to evaluate and understand parties' movements in
21 the case- why a particular application is filed, why a particular adjournment is taken, strategic
22 interruptions by a lawyer just when the other side is about to make a point and succeed with
23 you. So you have to be able to anticipate and deal with that. The answer to that has to be being
24 on top of the case. You have to be fully aware of not only the procedural aspects, but the
25 material aspects, the substantive aspects of the case, and deal with such tactics firmly. But you
26 have to be even handed when you deal with that, you can't be hard on one and soft on one
27 party. You have to be make sure that there's no impression created of being exceptionally hard
28 on one, and you're being one sided in the view that you are taking. And apart from that
29 consistency is very important. Please use the sanctions committed by law, cause, striking out
30 pleadings, even closing a case wherever required. But be sure that you have been fair and open
31 and you have to be very proactive. You can call out the parties' strategy and discuss the strategy
32 with them and let them know what you think about the tactics being employed and call for an
33 objective response from the other side as well. And this is a way. Another thing that I found
34 very effective in Courts, which I do in arbitration as well, is when a request for adjournment is
35 made, you don't lose your temper, you smile and you grant the adjournment, but you give a
36 short date. In Court I was able to say, all right, come tomorrow, come tomorrow, come
37 tomorrow. How many tomorrows would the party go and asking adjournments for and they



1 would get tired. It's more difficult as an Arbitrator managing your diary because you have other
2 commitments as well. But that's the only way of stemming the onslaught of guerilla tactics.

3

4 **JAYASHREE PARIHAR:** Thank you so much, Ma'am. I would now, a very related question
5 I would ask Rebecca, now. How do you deal with a defaulting Respondent? And especially
6 from a Counsel's perspective, is there any tactic would you adopt to deal with such situations?

7

8 **REBECCA JAMES:** Yeah, it's an interesting one and a really tricky one, actually. I had an
9 experience earlier this year dealing with this, but I think there are two points. The first is what
10 you do before you end up with a defaulting party to make sure that if it happens, you're in a
11 good position. This is where you need to point people like Justice Mittal, to deal with the
12 situation appropriately and not have sort of due process paranoia. I think look, as and when it
13 does happen sometimes you need to just encourage the Tribunal to use the powers they have
14 in their inherent jurisdiction in the rules because actually most sets of rules will have express
15 powers these days, and actually a defaulting Respondent can't prevent an enforceable award
16 from being rendered. What's really critical is if they stop participating, that you move forward
17 and give them every opportunity to engage. The fact that they might stop responding to emails
18 does not mean you should not copy them to every email and smart Tribunals will still give
19 them the opportunity to make submissions and set deadlines for those that will pass, time and
20 time again, but that basically means that you're future proofing the award that you will get if
21 the Respondents stop participating because if they want to pursue a spurious challenge, they
22 probably still will, but the odds of them succeeding on the basis of not being heard or
23 procedural unfairness are, in my experience, very low in that situation.

24

25 **JAYASHREE PARIHAR:** Thanks, Rebecca. Yuet Min, would you like to add something to
26 this?

27

28 **YUET MIN FOO:** I've had many cases where defaulting Respondents or non-appearing
29 Respondents. And I think if any of you are going to get your first appointment, there's a high
30 chance that in many of the first few cases which are likely like smaller cases, you have a
31 Respondent who doesn't appear. So I think most Tribunals and I think even if the Tribunal
32 doesn't suggest it as the other side's Counsel, you would suggest it is, as Rebecca said, you
33 make sure that they are given opportunity to make sure that everything is like they are copied
34 on all the emails. What we do as an additional step is we would send hard copies. We will
35 courier, no matter where they are, we will send hard copies at every juncture. So after every
36 important juncture, and if it is like procedural matters, then after every few steps have been
37 taken you will send the entire thing from beginning to that point to the Respondent's office, in



1 hard copy, get a delivery receipt from the courier company, we do all of that. Or if you have a
2 lawyer, a local lawyer in that jurisdiction, then send that lawyer's staff to that office and get
3 acknowledgments or receipts. That would help to protect the award later on. And same thing,
4 you try to encourage them to appear. But we had a case. I had a case where we had a concurrent
5 Court proceedings as well as arbitration proceedings, so some disputes were in Court, and
6 some disputes were in arbitration. And for some reason they appeared for the Court, I suppose
7 for obvious reasons, they appeared in the Court proceedings but never appeared in the
8 arbitration. So I think it's also bringing that fact to the attention of the Tribunal to show them
9 that obviously they know that their arbitration proceeding is going on. They have appeared in
10 the Court proceedings, but they just refuse to appear in the arbitration. But we get delivery
11 receipts for everything that has been sent to them, all the way until the very end. And then to
12 make sure all those attempts and effort is listed out in the award. So that's, like annexure to
13 the award that says each time things have been delivered to them, what was delivered to them,
14 and whether you got an acknowledgment of receipts. So I think that's what we do for defaulting
15 Respondents.

16

17 **JAYASHREE PARIHAR:** Thanks, Yuet Min, and that's a very important point which we
18 were even discussing earlier. That record keeping especially from a service point of view is
19 very, very important crucial in the event there is a defaulting Respondent. My next question is
20 addressed to everyone. And this is with respect to what we've been facing of late. That is virtual
21 Hearings. What is your experience been with virtual hearings? And I'll start with Justice Mittal
22 on this one.

23

24 **JUSTICE GITA MITTAL:** I think it's the best thing which has happened. It saves so much
25 in terms of time and cost not only to the Arbitrator, but to the parties, Counsels as well and
26 the navigation through terrible traffic in the city of Delhi. And it must be the same in other
27 parts of the world and other parts of the country definitely. So the biggest thing that you are
28 saved is not apart from the cost of the time and the exhaustion from navigating heavy traffic.
29 But also having said that I find that the efficiency in the proceedings is tremendous. A lot of
30 time that would be wasted in manipulating files and the administration of running an
31 arbitration proceedings is prevented from the fact that you are on a screen and things move
32 much faster. Invariably the lawyers who appearing before you have a smart junior who's
33 quickly able to share screen-share documents, whereas if you were in a room, you would be
34 plodding through large numbers of files, et cetera, virtual files as well as hard copies. So the
35 biggest advantage of virtual hearings has been the say, with the, efficiency which has been
36 imparted to the proceedings. These days we have a lot of, it's used regularly in Singapore and
37 in Australia and other parts of the world. But transcription is a recent phenomenon and I am



1 using a transcription firm in my proceedings which is based in Chennai. So it's incredible how
2 you're able to be interstate across the country and get transcription of your proceedings sitting
3 in Delhi as you go along through the proceedings. The recording of evidence has become a
4 wonderful experience because of this transcription exercise and one more very important
5 factor is the fact that parties don't have to travel. Any number of people can join you from
6 whichever part of the world there are any time of the day. You don't have to worry too much
7 about time differences. Proceedings can be recorded and are replayed. And so virtual hearings
8 are a big boon. I think they have added a lot of value to Court hearings, but certainly to
9 arbitration proceedings where you choose a time and place of your arbitration. And
10 irrespective of what has been nominated and designated as a venue for the site of arbitration
11 Arbitrators are not having to move out of the comfort zones of their offices and their homes to
12 conduct the arbitration proceedings. So it's a very efficient movement of conducting
13 arbitration.

14

15 **JAYASHREE PARIHAR:** Thank you so much, Ma'am. Rebecca, would you like to add
16 something to this? And then I'll move to Manini and Yuet Min.

17

18 **REBECCA JAMES:** Sure, I mean, just very briefly, my experience with virtual hearings has,
19 like, Justice Mittal has been very positive, actually. And I love the fact that it's so rare that you
20 need to travel internationally for procedural hearings. Hopefully that will never happen again,
21 but actually even merit hearings, you can cross examine witnesses surprisingly effectively with
22 the technology, as it is now and there are mechanisms you can put in place to at least in a post
23 Covid era check that things are being done properly, that they don't have notes. You can have
24 someone supervise. So there are ways to ensure the propriety of the process. The final point I
25 would just add is an additional benefit of not flying so much is with my hat on the Steering
26 Committee for the Campaign for greener arbitration. I think historically, arbitration footprint
27 on the environment has been absolutely huge and disproportionate. And this shift to virtual
28 hearings is eliminating those flights globally has a really positive and huge impact on the
29 overall impact sustainability of our practice.

30

31 **JAYASHREE PARIHAR:** Thank you so much. Rebecca. Manini?

32

33 **MANINI BRAR:** Thank you. Yeah, I really have nothing to add except that I have seen that
34 somehow Indian parties are uncomfortable with the idea of the evidentiary hearing happening
35 online. So they want it to be a physical hearing and that is something that I think we just have
36 to come around. Because now there are so many processes DIAC has an excellent virtual
37 hearing protocol that can be borrowed from. And so many market practices have developed



1 around virtual cross examinations where you can have a representative of the Counsel cross
2 examining, in the, be in the presence of the person who's being cross examined. So I think the
3 key to overcoming this last sort of hill of a physical cross examination is to put in place a good
4 virtual protocol, which gives the parties enough confidence that nothing will go amiss. And
5 another thing that I've really benefited from, at least as an Arbitrator, just learning the throes
6 of being an Arbitrator is that you can record every hearing. And I do that. Whatever's
7 happening, virtually, it's a bulky record but it's all there. So that even if the parties tomorrow
8 say, oh, well, you didn't listen to this and you didn't do this, it's all there for the Court to see.
9 So I think that also provides a certain amount of comfort to the parties, that okay, this is being
10 recorded. And there's nothing that's going amiss here.

11

12 **JAYASHREE PARIHAR:** Thanks, Manini, Yuet Min would you like to add something?

13

14 **YUET MIN FOO:** Yeah so I like virtual hearings. There's a lot of convenience attached to it.
15 But I'm very traditional in the sense that, I see, I mean, there's a beauty to physical hearings.

16

17 **JAYASHREE PARIHAR:** Maybe then you can speak about disadvantages of virtual hearing.

18

19 **YUET MIN FOO:** So, I like the fact that in a physical hearing, you get to see everything that's
20 going around because in a virtual hearing everything is usually only the people who are
21 speaking have their cameras on. You don't actually see what other people are doing. But in the
22 physical hearing, I always have, in the Counsel team we always have somebody who is tasked
23 to make sure you watch what everybody else is doing in a room. Because it gives you a good
24 indication. Sometimes you are just watching the Tribunal members as well, just being able to
25 know, when they are taking notes and what they are writing on gives you a good indication of
26 what is important to them. So especially if you are in the same jurisdiction then I would much
27 prefer, in the same jurisdiction, because I completely agree with reducing the Carbon
28 footprint. But if we are in the same jurisdiction, I would prefer physical hearings. That's just,
29 I suppose, in a way more that you can gauge and see. And also I think for the lawyers involved
30 because in Singapore now, in the Courts, most things are done virtually until the actual trial,
31 the trial is usually in person, but most other hearings are done virtually. And again a complaint
32 from the younger lawyers saying that "you know I became a lawyer because I like the whole
33 idea of wearing my suit and walking into the Court. And now I don't get to do it." Because most
34 of the hearing that they are arguing is virtual. So they don't feel the excitement of like, being
35 a lawyer. I think, here also, I think it's still physical but in Singapore most of the non-trial
36 hearings are virtual now a days and so recently I had one where all the parties were in Court
37 and we were all so happy to be to be in Court and seeing your friends, and it's also a time where



1 you hang out, waiting for your turn to go to the hearing, you make friends while waiting, which
2 sort of now, doesn't really happen because everybody is now doing it from their own offices.
3 But in terms of efficiency, I think, its unparalleled in having virtual hearings helps a lot with
4 scheduling problems. Even though in Singapore, we end up doing all the hearings at night
5 because you have US parties, you have European parties, the Singapore parties will end up
6 doing the hearings like 8pm to 1am or something like that. Those I think, are the comparisons.

7

8 **JAYASHREE PARIHAR:** Thank you Yuet Min.

9

10 **MANINI BRAR:** Jayshree can I add? There was one arbitration where we were sort of on the
11 losing side of the arbitration. It wasn't going well for us. And we were stuck with a Section 16
12 interim application for interim measures and the hearing, it was a physical hearing and when
13 the hearing got over and the Counsel for the other side, everybody started to leave, but the
14 Counsel for the other side stayed back and then whispered in the Arbitrator's ear, what about
15 that other matter where you are also appearing as Arbitrator? Have you taken a decision on
16 that? And until that point, we didn't know, because the Arbitrator had not disclosed that he
17 had been appointed by the same party. So it was such a win for us because eventually we got
18 the Arbitrator to resign from his position. So to your point of how these dynamics work in
19 person.

20

21 **JUSTICE GITA MITTAL:** But it's worse if you are doing it virtually. All, what all gets
22 revealed because you forget to switch off your audio. It's terrible. And personally I am a very
23 hard copy person. Yet I like the virtual hearing.

24

25 **REBECCA JAMES:** I would add very quickly as well. It's not just the audio, but also the
26 video. Saying some bad things on these hearings.

27

28 **JAYASHREE PARIHAR:** Thank you so much, everyone, for this. And I'm just going to
29 quickly touch upon something which Rebecca said. Apart from ERA pledge and
30 ArbitralWomen, there is also green arbitration and a pledge of green arbitration. So everyone
31 please go back today and have a look at it. The Carbon footprint about the voluminous
32 compilations which we print out and share it with everyone, sharing an extra copy to every
33 person who's appearing in the matter just increases a lot of paper which is going in the process
34 of arbitration. So please go have a look at it and see if that inspires you as well. Try and reduce
35 your hard copy usage and also we have this entire event getting live transcription if everyone
36 can see it. So please use live transcription also it makes everyone's life a lot easier . I'm moving
37 to the last question of the morning. I'm just used to saying, evenings. I was going to say,



1 evening. What would you tell and this is to everyone in fact, what would you tell a person
2 seeking their first appointment? Quick one or two pointers if you would like to mention to a
3 person who's seeking their first appointment. And I'll start with Rebecca because she's sitting
4 on the leftmost corner .

5

6 **REBECCA JAMES:** Probably just be patient, building on what we said earlier, and as we
7 discussed, there will be a number of times you're approached and you won't be able to take the
8 nomination. So hang in there and just keep building your network.

9

10 **JAYASHREE PARIHAR:** Thanks, Rebecca. Manini?

11

12 **MANINI BRAR:** I've already said everything, but I would say, just start believing that you're
13 an Arbitrator. Like when you walk out of the room, just believe that you are, even if nobody
14 else says it for a while and just start thinking in those terms and talking to yourself as if you
15 are an Arbitrator. And then somehow I think it manifests over time.

16

17 **JAYASHREE PARIHAR:** Thanks, Manini. Justice Mittal?

18

19 **JUSTICE GITA MITTAL:** Do both what Rebecca and Manini have said, I add to that, pray
20 hard.

21

22 **JAYASHREE PARIHAR:** Yuet Min?

23

24 **YUET MIN FOO:** I think what Manini said earlier about making yourself known especially
25 to the institution, is very important the other additional thing I would say is that which is what
26 I tell my younger lawyers who are interested, get help from your mentors, the older people that
27 you know who are already in the circuit because it's much less lonely to have to do it with some
28 help. So if you go to a conference, you go to a networking session, just attach yourself to
29 somebody you know will be willing to help you introduce you to people. It just makes it that
30 much easier to move around because otherwise it's quite lonely to do it on your own. And you
31 may feel, oh, I'm so young and everybody that is so senior, so try and find somebody who will
32 be willing to help you and then just attach yourself to the person, because I always tell people
33 if I see young people just come with me. I'll introduce to some people. You get to make a few
34 new contacts on that day. That would have made it worthwhile and slowly, be patient. Slowly,
35 I think you get there. I think that's important. Thanks.

36



1 **JAYASHREE PARIHAR:** Thank you, Yuet Min. Now, I'm just quickly opening the floor for
2 question and answers. Sonali has a question. I see her raising her hand wearing nicely sitting
3 in front. Could you just pass on the mic to Sonali, please?

4
5 **AUDIENCE 1:** Hi, good morning. So I just wanted to ask a question to the panel .Well, I
6 think, given that the push for diversity has been fairly recent, the natural expectation is that
7 women Arbitrators would follow the lead of their male counterparts in terms of conduct,
8 behaviour. I heard the panel talk about women being also more assertive, more aggressive. So
9 the theme is really that there is a bar, you've got to catch up. But my question is that do you
10 think that there are some skills, including soft skills that women are better equipped, or are
11 better to bring to the table to add value to the table, which actually their male counterparts are
12 not that great at. So my question is to the panel that where do you think women can add more
13 value to the arbitral process?

14
15 **JUSTICE GITA MITTAL:** First of all, let's not restrict it, when we talk of inclusion, to
16 women only. I use the word gender. The Constitution of India unfortunately, doesn't use
17 gender. It uses sex. So we need to go beyond women when we are talking of inclusion. And
18 even though there have been women Arbitrators, but I don't think we have others from the
19 other gender. Any Arbitrator. Very few lawyers, even who are. So the second thing is
20 multitasking, women think wider, they can think more diverse, and they'll bring a lot of skills
21 which the other genders may not.

22
23 **JAYASHREE PARIHAR:** Thank you. Anyone else would like to add on to this answer?

24
25 **MANINI BRAR:** Thank you. That's an excellent question. And one of the things that I have
26 seen that has really worked is patience, which is something that I really think you cannot
27 outrun a woman on, because I do have, I have had cases where the Counsel has said something,
28 maybe just subconsciously thinking it out loud, which has been to doubt my credibility, but
29 verbally doubt it and say something and I find that I'm able to and I'm sure the others on the
30 panel will agree, not immediately respond and keep it in for a while, process what has
31 happened and just be assertive in my orders, as opposed to reacting on the spot, and I think
32 that has something to do with just developing patience in our cultural context that we live in,
33 with the family, with work, with all the multitasking that Ma'am just mentioned. So I think
34 that is a skill that you can really develop and it really helps you as an Arbitrator.

35



1 **JAYASHREE PARIHAR:** Thanks, Manini, Can I move to the next question? I'll just wrap it
2 up in another, I'll just take it another one question or something, because, I'll just take one last
3 question from anyone.

4
5 **AUDIENCE 2:** Can you hear me?

6
7 **JAYASHREE PARIHAR:** Yes, sir. So we can hear you.

8
9 **AUDIENCE 2:** Okay. My name is Sushil Shashank. I think I better come up front. You can't
10 see me with all these people. So you were talking about green arbitration and using less paper
11 and things like that. So my question to you is how much of this, because everywhere, people
12 only target these soft targets. They talk about these name tallies and photocopying. People
13 don't talk about things like traveling business class for attending conferences, traveling
14 business class to attend arbitrations and your Carbon footprint over there is much higher than
15 using few pieces of paper extra. So how much of this is hypocrisy? How much of it is green
16 arbitration? How much of it is virtue signalling? That's my question for you.

17
18 **REBECCA JAMES:** I'm happy to take that. I don't think that it's hypocrisy or that there's
19 tension between saying we should fly a less arbitration and we should fly less for conferences.
20 I think we all need to be really selective and really strategic about when it's actually essential
21 and if you I mean, my own personal practice is if you do need to travel to a conference, then
22 that had better not be the only reason you're traveling actually. And you try and make it as
23 productive as you can. You fit in meetings you do what you need to do. So should there be
24 more guidance offered around that I mean, I think it is fair to say that from the perspective of
25 the Green Pledge, what we have really focused on is trying to improve environmental practice
26 of arbitrations. I think in a way the sort of ancillary practices of arbitration practitioners the
27 same principles can and should apply and just print less, fly less. Those two rules would make
28 a big difference.

29
30 **AUDIENCE 2:** But people only talk about print less. Nobody talks about fly less.

31
32 **REBECCA JAMES:** Flying less is an absolutely huge part actually of the Green pledge
33 principles. And I think just the general push in the industry to reduce the Carbon footprint.
34 And I would actually say fly less is our biggest focus. Print less follows that. And I agree it's
35 important, but it's just not the only focus.

36



1 **JAYASHREE PARIHAR:** Thank you. Thank you so much, everyone. We had a vote of
2 thanks, but we're running out of time. So we are just closing it right now. Everyone knows that
3 I'm absolutely elated and thankful to everyone, especially the panellists, for coming here,
4 taking out time early in the morning including the attendees. Thank you so much, everyone.
5 And if not anyone else, at least me on this stage sharing this stage with everyone has learned a
6 lot, at least to get my future first arbitration. So thank you so much, everyone. If anyone has
7 any other questions, we can take it outside. So feel free to approach the panellists for any other
8 questions which you may have. Thank you so much, everyone.

9
10
11

~~~END OF SESSION 1~~~