

40 UNDER 40: International Arbitration



Keating Chambers are delighted to support the recent publication of *40 Under 40: International Arbitration*. The brainchild of Carlos González-Bueno, Partner at González-Bueno SLP in Madrid, and distributed by Spanish publisher Dykinson, *40 Under 40* is a collaboration between 40 legal practitioners all under 40 years of age. The co-authors of this book, of which almost half are women, come from all corners of the globe and, according to Alexis Moure (President of ICC International Court of Arbitration), reflect the “almost perfect image of the arbitration world of tomorrow.”

Each chapter is authored by a different rising star in arbitration, and topics cover the essentials of arbitration, including duties of good faith (by Keating Chambers’ Jennie Wild), confidentiality and transparency (Emily Hay – Hanotiau & Van den Berg), early dismissal of unmeritorious claims and defences (Nicolás Costábile – WilmerHale), and court assistance in acquiring evidence (Rahul Donde – Lévy Kaufmann-Kohler). Other topics provide basic guides to fast-track arbitration (Rute Alves – PLMJ Advogados), consider the impact of cognitive biases on arbitrators (José M. Figaredo – González-Bueno SLP) and raise important questions on the transparency and diversity in arbitrator election (Elisa Vicente Maravall - Garrigues).

Keating Chambers, together with Ashurst, were proud to celebrate the publication of this book by welcoming 13 of the 40 co-authors from countries including Switzerland, Spain, France and even the USA, to a launch event in London in May 2018. Co-ordinated by Jennie Wild (Keating Chambers) and Emma Martin (Ashurst), the event comprised an introduction from Editor Carlos González-Bueno, and brief overviews from 11 co-authors on their chapters.

In support of the diversity reflected by the co-authors of *40 Under 40*, the launch event also promoted the Equal Representation in Arbitration Pledge, which seeks to increase, on an equal opportunity basis, the number of women appointed as arbitrators. The goal of the Pledge is to achieve a fair representation as soon as practically possible, with the ultimate goal of full parity. The values of the Pledge to endorse more equal representation in the arbitration community are echoed by the very essence of the diverse contributors to *40 Under 40*. This collaboration of a broad range of domestic and international practitioners, and the discussions presented in this pioneering publication, could be an insightful glimpse into the future of arbitration.

Jennie Wild joined Keating Chambers in 2014 and has a broad practice covering the spectrum of commercial disputes that fall to be resolved by way of litigation, adjudication, international arbitration and ADR, including energy, construction, engineering, professional negligence and associated insurance disputes. Jennie has experience of heavy, complex and high value claims in international arbitration and the Technology and Construction Court. In addition to her work as counsel, Jennie is a contributing editor of the *Construction Law Reports*, *Keating on Construction Contracts*, *Keating on JCT*, *Keating on Offshore Construction and Marine Engineering Contracts* and *Halsbury’s Laws*.

Foreword

Alexis Moure

President, ICC International Court of Arbitration
Independent Arbitrator

The importance of this book can hardly be overstated. 40 bright and experienced practitioners, below 40 years of age, coming from all continents, almost half of them women, is an almost perfect image of the arbitration world of tomorrow. Achieving greater gender, generational and regional diversity is a fundamental condition for maintaining trust in arbitration as a global system of justice and as a fair and legitimate means of resolving international business disputes. With globalization and the rise of emerging markets, in particular in Asia and Africa, arbitral institutions need to reach out to a much broader population of arbitrators of diverse origins and experiences if it wants to meet the needs of the users of arbitration in the decades to come.

Tomorrow’s arbitration will also see many more women at the forefront. The ICC has endorsed the Equal Representation in Arbitration pledge, a landmark initiative that has put the promotion of women in international arbitration as a top priority for institutions and law firms. The current situation is however still far from being satisfactory, and we need decisive action to increase significantly the proportion of women amongst counsel, arbitrators, and of course in the governing bodies of arbitral institutions. This book, by featuring an almost equal number of women and men amongst its authors, is a great contribution to this objective.

Allowing young practitioners to be appointed as arbitrators is of paramount importance. The role of institutions is in this respect primordial. Many young practitioners get their first appointment from institutions rather than from the parties, an ideal opportunity to show their professional skills and to then make their way as arbitrators. Institutions are of course conscious of the fact that their primary duty is to select the best profile in any given case, and the promotion of young arbitrators should not be at the expense of the experience that is in certain instances required. However, even if many young have less years of practice behind them, they often have accumulated very significant experience in acting as counsel or arbitral secretary, and are able to conduct an arbitration with no less skills than their elders. I am always amazed to see the very high quality of awards produced by arbitrators who are still in their late thirties or in their forties. Young practitioners deserve the trust of the parties and of institutions.

It is also incumbent upon institutions to invest in training, and I am proud that the ICC, in particular through the ICC Institute of World Business Law, is displaying very significant efforts in organizing programs such as the now famous PIDAs, the Arbitration Masterclasses, the Arbitration Academy,

and more recently its training programs for arbitral secretaries. The ICC Young Arbitrators Forum (YAF) is also a fantastic vehicle for moulding the next generation of leading international arbitrators and experts.

This book brings together forty authors who are among the most promising rising stars in international arbitration. The topics elected by the authors go to the fundamentals of arbitration, such as due process, independence and impartiality, the role of good faith, and human rights. The book also addresses in a talented and often innovative way novel questions such as the role of psychology in arbitration, cognitive biases, third-party funding or the way in which technology will transform our profession in the years to come. My only wish is to see further editions of this remarkable book, and to see more authors from Africa and Asia amongst its future authors. I have no doubt that Carlos González-Bueno will heed this call. We should all be grateful to him for this remarkable initiative, which will greatly contribute to open the door to the new generation of arbitrators.

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