

国際仲裁資格認定（中級コース）のご案内

我が国における国際仲裁の活性化が、2017年から政府の「骨太の方針」に掲げられ、官民協力のもと、様々な取り組みが行われています。その一つとして、この度、世界中に17000名のメンバーを擁する世界最大のADR資格認定・研修機関Chartered Institute of Arbitrators (CI Arb) (英国仲裁人協会)の資格認定コースが、日本仲裁人協会(JAA)及び日本国際紛争解決センター(JIDRC)が共同スポンサーとなって、実施されることとなりました。CI Arbの詳細については<https://www.ciarb.org/>をご覧ください。

本資格認定コースは、我が国において国際仲裁を担う人材の育成を意図するものです。そのため、毎年、継続的に開催することを予定しています。昨年につき、今年もAccelerated Route to Membershipコース(中級コース)を開催します。ふるってご参加ください。

なお、中級コースの内容及びCI Arb資格認定システム(Pathways)を紹介した今年のプレコースが、YouTube法務省チャンネル(<https://www.youtube.com/watch?v=JueFzLo6MRc>)にアップロードされています。あわせてご確認ください。

国際仲裁を担う人材に関しては、育成とともに、ネットワーク作りも重要です。本事業は、その一つの基点となることも、意図しております。上級コースも、来年以降に開催することを目指しております。

以下の2点をご参照ください。

(1) 中級コース(資格認定コース)

2023年7月28日(金) 西村あさひ法律事務所(東京オフィス)

受講要件を含め、詳細は別添の英文Flyerをご参照ください。

定員があるため、お早めの申込みをお勧めします。

(2) 日本仲裁人協会(JAA)ご入会

中級コースの参加費用については、JAA会員の割引があり、割引額はJAA年会費と同額です。この機会にJAA会員となり、そのネットワークに参加することをご検討ください。次のJAAのウェブサイトから、入会手続きが行えます。

<https://arbitrators.jp/application/jaa-application>

ご不明な点等ありましたら、森・濱田松本法律事務所・CI Arb研修受付窓口(wg_ciarb_registration@mhm-global.com)まで、メールでお問い合わせください。



JIDRC



Chartered Institute of Arbitrators (CI Arb)
East Asia Branch, Japan Chapter

Presents:

With the joint sponsorship of
Japan Association of Arbitrators (JAA)
and
Japan International Dispute Resolution Center (JIDRC)

ACCELERATED ROUTE TO MEMBERSHIP INTERNATIONAL ARBITRATION COURSE

28 July 2023 (Friday) and 'At home' coursework

Venue: Nishimura & Asahi Tokyo Office
Otemon Tower, 1-1-2 Otemachi,
Chiyoda-ku, Tokyo 100-8124
+81-3-6250-6200

The Japan Chapter of the CI Arb East Asia Branch is running the CI Arb Accelerated Route to Membership (ARM) course this July. Headquartered in London, CI Arb is a global centre of excellence for the practice and profession of ADR, championing all aspects of dispute resolution across arbitration, mediation and adjudication. It is committed to promoting ADR and the benefits it brings to society and economies across the world. This course is jointly sponsored by the Japan Association of Arbitrators (JAA) and Japan International Dispute Resolution Center (JIDRC).

The ARM course is a fast-track 1-day assessment workshop (28 July) and examination to be completed within a specified time period (from 29 July) to attain CI Arb Member status (MCI Arb) designed for qualified professionals. The internationally respected and recognised MCI Arb post-nominal signifies your outstanding commitment to achieving the highest level of knowledge, skills and behaviour in alternative dispute resolution.

Please note that the ARM course is not a teaching course and the number of participants is limited. The first day (9:00 AM–6:00 PM) is composed of a series of workshops in which candidates will be assessed on their knowledge of arbitration by experienced practitioner tutors. The workshops are conducted in small groups in which all candidates are expected to participate actively in discussions. A pre-course assignment consisting of a written essay must be submitted one day before the course and 'at home' coursework is to be completed within a set time period from 29 July.

Details of the course are as follows:

What is the aim of the ARM course?

To provide a fast-track route to CIArb Member status through the International (i.e. non-domestic) Arbitration Pathway. The Accelerated Route to Membership has been designed for busy professionals who possess unassessed knowledge of international arbitration. The programme assesses whether candidates have the knowledge required to understand the process of international arbitration.

Candidates must evaluate their personal suitability to undertake the programme and appreciate that the assessments are intensive and assessed against standard benchmarks.

The programme covers the law underpinning the process and procedure of international arbitration. It is therefore valuable for anyone who is conversant with the law and practice of international arbitration generally, whether as a party representative or counsel. It is also an essential and valuable step for anyone aiming for CIArb Fellowship and for those who aim to practice as an arbitrator.

What are the learning outcomes?

On successful completion of this course, candidates will be able to:

- Explain the principles and specific legal requirements in an international arbitration:
 - The legal framework including limitations of matters that may legally be arbitrated.
 - The contractual nature of an appointment of an arbitrator.
 - The rights, duties and responsibilities of a party to an arbitration.
 - The range and limitations of an arbitrator's powers and jurisdiction.
 - The methods of initiating and processing an arbitration.
 - The relevance of the court regarding all stages in an arbitration.
 - The requirements of an enforceable Award.
- Evaluate and apply the principles and legal requirements of an international arbitration.
- Identify, explain and apply the legal procedural principles, rules and arguments relevant to the conduct of an international arbitration.

What is covered within the syllabus?

- Fundamental principles of the arbitration process.
- The UNCITRAL Model Law and Arbitration Rules.
- The arbitration agreement.
- Commencement of an arbitration and appointment of an arbitrator.
- Obligations of the Tribunal, responsibilities and obligations of the parties.
- An arbitrator's jurisdiction and powers.
- The arbitration process: meetings, timetable, submissions, experts, disclosure, hearings.

- The powers of the Court.
- Interests and costs.
- Essentials of an enforceable Award.
- Challenges, appeals and enforcement.

How is the course delivered?

This is an assessment programme as opposed to a teaching module. Learning will be based on private study prior to the oral assessment workshop, reinforced by tutor input and peer discussion during the workshop. The main programme consists of assessment workshops on the advertised date and 'At home' coursework to be completed during a subsequent 48-hour window..

How will I be assessed?

Assessment of this programme is split into three parts:

- Assessment 1 - An interactive 1-day assessment through a series of workshops- in which situations will be presented to candidates, in groups, for their consideration. Candidates' knowledge, judgment and interactive/self-presentation skills are assessed through oral exercises.
- Assessment 2 - A written assignment to be submitted before the programme (20%).
- Assessment 3 – 'At home' coursework which must be completed during a 48-hour consecutive block of time within a 5-day period which starts on the scheduled day of the exam (29 July) at 12pm noon London time.

Details of the assessments are as follows:

- Assessment 1 (Workshop). This assessment is on a pass or fail basis. Candidates must pass all the workshop sessions. Candidates who fail the workshop will be required to re-sit this assessment.
- Assessment 2 (Assignment). This assignment is not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- Assessment 3 ('At home' coursework). This assessment is on a pass or fail basis. Candidates must achieve a minimum of 65%. Candidates who fail the examination will be required to re-sit the examination.
- The overall assessment is based upon the combined marks of Assessment 2 and Assessment 3. Candidates must achieve a minimum overall mark of 65% to pass the programme.

Results are dispatched to candidates normally twelve weeks from the date of the submission of the examination.

What are the entry requirements?

In order to register for the Accelerated Route to Membership, candidates must submit evidence to show:

- They have knowledge of the framework of international arbitration.
- They can evaluate and apply the principles and requirements of an international arbitration.
- They can demonstrate awareness of the practical tasks required in preparing for and progressing an international arbitration.

Japanese *bengoshi* and qualified foreign lawyers (*gaikokuho jimusho bengoshi*) are deemed to have such qualification.

What is the course fee and what does it include?

The course fee is JPY65,000. The fee includes registration on the course, the first attempt at the assessments and study materials. Candidates are advised to refer to the Registration Form for further details. Discounted rates (JPY55,000) are available to members of the JAA.

What happens when I register for the course?

Upon successful registration, candidates will receive confirmation they are booked onto the programme. Joining instructions and course materials will be sent to candidates approximately 2 weeks or more before the course start date by email.

Candidates will be provided with an electronic copy of a Workbook to assist them with their studies together with a suggested reading list. It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with the relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognized standard textbooks to supplement their study in their respective jurisdiction where these are available.

What is CI Arb's policy on cancellation of courses?

The course requires a minimum number of participants. In case the said number is not met, CI Arb reserves the right to cancel or change the date, venue or content of programme and the names of speakers, lecturers and tutors. Candidates will be provided with a full refund or the opportunity to transfer their registration to the next course.

A cancellation fee will be payable depending on the date of cancellation as shown below:

Date of cancellation	Cancellation fee
By 23:59 (Japan time) on Monday, July 24	None
From Tuesday, July 25	100% of the registration fee applies

What is my next step when I complete the course?

On successful completion of this course, candidates:

- may progress onto Module 3 of the International Arbitration Pathway. This is an essential step for those wishing to ultimately become a Fellow of CI Arb (FCI Arb).
- will be eligible to apply to become a Member of CI Arb and take advantage of a range of educational and professional benefits, including (i) raising your profile by displaying the globally recognised and respected MCI Arb after your name, (ii) building your network through our international and inclusive community of members spanning approximately 150 jurisdictions, (iii) developing your knowledge and skills through CI Arb's world-renowned training, events and resources, (iv) promoting your skills and experience through CI Arb's Membership Directory, and (v) keeping up to date with industry and CI Arb's news and views through our newsletters, digital magazine and journal.

How do I register?

To reserve your place, please complete your registration via Google Form (https://docs.google.com/forms/d/1InUttR3C2RV4ZamFprGI1Z6Enmg_iaUhl85nrDV470/viewform?edit_requested=true) and make a wire transfer to the following account within one week from submission of the Form:

Bank Name: MUFG Bank, LTD.
Branch Name: Toranomom Branch (Branch Code: 041)
Account Number: 0710786 (Ordinary Account)
Account Name: CI Arb Japan Chapter Convener Douglas K. Freeman

(in Japanese)

銀行名： 三菱UFJ銀行
支店名： 虎ノ門支店（店番：041）
口座番号： （普）0710786
口座名義： シーアイアルブジャパンチャプター ダグラス ケイ フリーマン

Please note that the information you provide when registering for this course will be used in accordance with CI Arb's Terms and Privacy Policy (<https://www.ciarb.org/media/2161/ciarb-data-privacy-notice-may-2018.pdf>).

FOR INQUIRIES:

Mori Hamada & Matsumoto
CI Arb Training Reception Desk
Email: wg_ciarb_registration@mhm-global.com

ABOUT THE ASSESSORS subject to change

Glenn Haley C.Arb, FCIArb

CIArb East Asia Branch, Chair of regional Sub-Committee

Bryan Cave Leighton Paisner LLP (Hong Kong)

Glenn is a Chartered Arbitrator and a past Branch Chair of the East Asia Branch of CIArb. He has lived and worked in Asia for the past 30+ years. He regularly teaches arbitration courses for CIArb. Glenn specialises in arbitration and dispute resolution, with particular emphasis in relation to construction and engineering, infrastructure, international trade and commercial issues.

Douglas Kenji Freeman FCIArb

CIArb Japan Chapter, Chair

Freeman Law Office

Douglas Kenji Freeman, FCIArb, is an experienced international arbitrator, having the unique background of being dually qualified as a Japanese bengoshi and New York lawyer. Doug has abundant experience and knowledge of both jurisdictions, and, being fully bilingual, has conducted many ICC and JCAA arbitrations in English and Japanese. His arbitrations have involved license disputes, technology, patents, contractual disputes, international commerce, CISG, M&A and other areas.

Doug is a professor of the Keio University Law School, instructing the International Arbitration Course (RCP course). He is a Fellow of the Chartered Institute of Arbitrators (CIArb), currently serving as Chair of CIArb Japan Chapter also serves as a Member of the JCAA Procedural Advisory Committee.

Doug studied law at the Tokyo University, Faculty of Law and Columbia Law School (J.D.). After working for Sullivan and Cromwell, LLP in New York and Tokyo, he started his independent practice in Tokyo in 2007.

Haig Oghigian FCIArb

CIArb, Japan Chapter, Convener

Haig Oghigian is Senior Counsel at FASKEN and Founder of Japan Chambers. Haig's practice is primarily focused on international dispute resolution. He also advises on a wide range of issues in the pharmaceutical and life sciences sectors, with an emphasis on government relations and regulatory matters.

Haig has acted as counsel, arbitrator and/or mediator in more than 100 cases, including high profile ICC, JCAA and SIAC cases in Asia, Europe and the US. He has also represented an industry association in a non-tariff trade barrier dispute against the Japanese government at the World Trade Organization. He is consistently highly ranked by the leading rating institutions including Chambers, GAR and Asia Law 500. He is widely published in various journals and is the author and editor of The Law of Commerce in Japan (Prentice Hall).

Haig is listed as an arbitrator and mediator with the Japan Commercial Arbitration Association (JCAA), International Chamber of Commerce (ICC), International Centre for Dispute Resolution of American Arbitration Association (AAA), Singapore International Arbitration Association (SIAC), British Columbia International Commercial Arbitration Association (BCICAC), World Intellectual Property Organization (WIPO), Beijing Arbitration Association (BAA), London Court of International Arbitration (LCIA) and Kuala Lumpur Arbitration Centre (KLAC).

Haig began his career in Japan as the Legal Economic Officer at the Canadian Embassy in Tokyo. He returned to private practice in Japan in 2000.

Yoshihiro Takatori FCIArb

CIArb, Japan Chapter, Convener

Kasumigaseki International Law Office (Tokyo)

Yoshihiro (Yoshi) Takatori is an attorney at law, FCIArb qualified in Japan and New York.

Yoshi handles cross-border dispute resolution including multi-jurisdictional litigation and international arbitration/mediation on intellectual property, product liability, anti-trust, cybersecurity, FCPA and UKBA and compliance investigation and disputes involving labor laws. He is listed as a recommended arbitrator for the Japan Commercial Arbitration Association (JCAA), listed on SIAC's Panel of Arbitrators and KCAB, as well as a mediator on SIMC's list. He serves key positions in the international arbitration field such as being an executive director for the Japan Association of Arbitrators (JAA), and the co-convener of the Japan Chapter of the Chartered Institute of Arbitrators (CIArb). According to his efforts on education of arbitration practice, he is awarded as one of the Top 10 innovative lawyers in Asia Pacific by Financial Times. Yoshi was the mediator for the first mediation case under the joint protocol of SIMC and JIMC, which reached successful settlement.

His academic background includes:

1992 qualified as lawyer after graduation from the Supreme Court of Japan, Legal Training Institute.
1998 LL.M. Harvard Law School.

Ayako Tsuru MCIArb (Shadow Assessor)

CIArb YMG Japan Chapter, Chair

Freeman Law Office

Ms. Ayako Tsuru is an attorney qualified in Japan and the state of California and is a Member of the Chartered Institute of Arbitrators (MCIArb). Her practice focuses in the areas of cross-border dispute resolution, including international arbitration, international mediation and multi-jurisdictional litigation, and international corporate advisory work and employment disputes and advice. She has represented Japanese and international clients from a variety of industries (including automobile, manufacturing, media, energy and resources, pharmaceutical and medical devices, and apparel) in various cross-border disputes and transactions. Ayako also has experience serving as tribunal secretary in a number of major international arbitrations under the ICC and JCAA rules. She is the Chair of CIArb YMG Japan Chapter and listed as a Specialist Mediator on the SIMC mediator list.

Ayako graduated with an LL.B. from the University of Tokyo, and a J.D. from the University of Tokyo, School of Law. Ayako joined the Freeman Law Office after working at Mori, Hamada & Matsumoto.