

# ASK EXPERIENCED PRACTITIONERS!

## Association of Arbitrators (Southern Africa) NPC



### Online Workshop

## ADR QUESTIONS AND ANSWERS

Please join us for this interactive online workshop, presented by Mr Jonathan Mitchell, the Regional Branch Chairman of our Western Cape branch, as part of the Association's ongoing mission to provide regular upskilling opportunities for its members and for everyone interested in Alternative Dispute Resolution (ADR).

### ABOUT THE WORKSHOP:

The purpose of the online workshop is to upskill arbitrators who are not from the legal fraternity and may have become somewhat rusty on certain terminology which crops up from time to time in arbitration, adjudication and/or mediation. This workshop will also be beneficial to the Association's students as it will assist in preparing them to become competent arbitrators.

The online workshop will be an open discussion debate forum where Mr Mitchell, an experienced arbitrator, will act as the chairperson of the deliberations.

### Following are the topics for discussion, debate and deliberation at the workshop:

1. What jurisdictional problems will an Arbitrator face if the Claimant resides in Gauteng; the Respondent's place of business is in KZN; and the dispute arose over a venture in Cape Town? The Arbitrator lives in Mossel bay.
2. How should the Arbitrator act when he receives an application from the Respondent's legal team, wishing to amend their Client's SOD for the 6<sup>th</sup> time.
3. If an Arbitrator is completely confused by the conflicting evidence before him, prior to making his Award, what are his options?
4. How should an Arbitrator publish his Award correctly to the parties?
5. May an Arbitrator proceed with the reference in the face of an objection, from one party only, that he lacks jurisdiction?
6. How should an Arbitrator deal with a situation where one party relies on the evidence contained in a "without prejudice" written communication?
7. What are the three main reasons for regarding evidence to be inadmissible?
8. Does an Arbitrator have the power to call on expert witnesses to prove that the expert witnesses of the parties are not correct in their respective findings?
9. If an Arbitrator does call an expert witness to testify, what recourse do the parties have?
10. What is a "Special Defence"? Give examples.
11. What steps should an Arbitrator follow to assess the credibility of oral witnesses of fact?

## ABOUT OUR PRESENTER:

### Mr Jonathan Mitchell:



Jonathan is the Western Cape Regional Branch Chairman of the Association of Arbitrators (Southern Africa). He is also a Director and Fellow of the Association. He is a practicing Arbitrator; Adjudicator; and Mediator in the Western Cape and has been practicing since 1994.

Jonathan has a wealth of knowledge and experience in the field of Alternative Dispute Resolution and runs a busy consulting practice in Cape Town. He specialises in the field of disputes in the construction industry and is a Past President of the Master Builders and Allied Trades Association; is a Past Chairman of the Building Industry Bargaining Council; and is a Fellow of the Chartered Institute of Building.

**DATE:** Friday, 12 April 2024 **TIME:** 10:00 to 12:00

**LINK:** The Zoom link will be emailed to you upon receipt of your completed Registration Form and, where required, upon receipt of payment.

**COST (incl. VAT):**

AoA Members:	R 0.00
ACPM, BI Arb, CESA, MBA, RICS, SAICE and WISA Members:	R 50.00
Non-members:	R 100.00
University Students, Professional Trainees, Pupil Advocates and Candidate Attorneys:	R 0.00

**RSVP BY:** Thursday, 11 April 2024

Irrespective of whether you are a paying or non-paying attendee, please send your completed [Registration Form](#) to our Financial Manager **Michelle Venter** at [michelle@arbitrators.co.za](mailto:michelle@arbitrators.co.za)

## THEY SAID WHAT?



"Provided great insight into the subject matter."



"This was most useful. I will certainly attend the next one. Thank you very much."



"I would like to see this as a regular feature. The workshop was very helpful with many issues where there is often uncertainty."



"Thank you Jonathan, once again, for a very productive workshop."