

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 ADR practitioners.

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

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

1. What must be included in a Notice of Arbitration?
2. What is a "Sealed Offer"?
3. If a "Sealed Offer" is only valid for acceptance by a specified date, and such date has passed by the time the Arbitrator opens same, after publishing his Award, does the content of the "Sealed Offer" still have an effect on the award of costs?
4. Should the Respondent file a Response to the Notice of Arbitration?
 - 4.1. If so, what should it contain?
 - 4.2. What if the Respondent fails to file a Response?
 - 4.3. May the Arbitral Proceedings continue without a Response?
5. Does the Arbitrator have the power to rule on his/her own jurisdiction?
6. How many Interim Awards may an Arbitrator publish before his Final Award?
7. May an Arbitrator make an Interim Award without hearing oral evidence?
8. If an Arbitrator's Interim Award is being taken on review in the High Court, should the Arbitrator stay the proceedings for the remaining issues in the main Arbitration?
9. May an Arbitrator make an order for Specific Performance?
10. Is there a time limit imposed on an Arbitrator, should he/she wish to correct a clerical mistake in his/her Award?
11. What are "wasted costs" in an Arbitration and who should be held liable to pay them?
12. May Arbitration Notices be served/transmitted by WhatsApp?
13. May an Arbitrator receive evidence given by Affidavit?

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.

LINK:

Zoom link will be emailed to you upon receipt of your completed [Registration Form](#) and upon receipt of payment.

COST (incl. VAT):

Association, ACPM, BI Arb, CESA, MBA, RICS, SAICE and WISA Members:

R 50.00

Non-members:

R 100.00

RSVP BY:

Please send your completed [Registration Form](#) to our Financial Manager **Michelle Venter** at michelle@arbitrators.co.za

THEY SAID WHAT?



"Provided great insight into the subject matter."



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



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



"Thank you! Much needed for day to day practicalities."



"Very informative, thank you."



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