

And the winner is... GAR's pick of the best

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Gary Born, Bernard Hanotiau and the Permanent Court of Arbitration were among the winners at last night's GAR Awards in Seoul.



J William Rowley QC

Leading arbitrators and practitioners attended a special dinner at the Shilla Hotel to honour the winners. The event also saw the unveiling of this year's GAR 100, a survey of the world's leading arbitration firms, and the GAR 30 - a list of the most active practices.

The shortlists for each award were drawn up by a focus group consisting of GAR editorial board members and around 40 leading arbitrators, with the eventual winners chosen by the GAR editorial team and a panel of leading practitioners.

Bernard Hanotiau, partner at Belgian boutique Hanotiau & van den Berg, won the prize for "Arbitrator of the Year" - a hotly contested category in which Donald Donovan, Gabrielle Kaufmann-Kohler, Karl-Heinz Böckstiegel, Michael Hwang SC and Michael J Moser were also nominated.

J William Rowley QC, of 20 Essex Street in London, who hosted the awards, said Hanotiau had been "at the top for years" and fulfils all the criteria that parties look for in an arbitrator.

The GAR Awards 2010

Arbitrator of the year:
Bernard Hanotiau

Advocate of the year:
Gary Born, WilmerHale

Institution of the year:
*Permanent Court of
Arbitration in The Hague*

Speech of the year: *Jan
Paulsson - 'Moral Hazard
in International Dispute
Resolution'*

**Sustained contribution
to best practice:** *IBA
Committee on Arbitration*

**Arbitration win of the
year:** *Hyundai Heavy
v IPIC - Debevoise &
Plimpton and Bae Kim &
Lee*

Court win of the year:
*Dallah v Pakistan, in
the UK Supreme Court
- Watson Farley & Williams
and Toby Landau QC*

**Best Development of
2010:** *UNCITRAL Rules
revision*

**Special recognition
for contribution to
international arbitration
culture:** *Bae Kim & Lee
and Kim & Chang*

As well as sitting in five ICSID matters and other high-value disputes, Hanotiau recently accepted several high-profile speaking engagements, including the Freshfields lecture, a new Singapore lecture organised by Herbert Smith, and SJ Berwin's Hot Topics seminar.

Speaking to GAR in September, Constantine Partasides, the head of Freshfields' arbitration group in London, described Hanotiau as "One of the world's great arbitrators, who has contributed more than most to making international arbitration what it is today."

Gary Born, chair of the international arbitration group at WilmerHale, scooped the prize for the advocate of the year, beating Brian King, of Freshfields Bruckhaus Deringer; Chong Yee Leong, of Rajah & Tann; Emmanuel Gaillard, of Shearman & Sterling; Jonathan Hamilton, of White & Case; Matthew Gearing, of Allen & Overy; Michael E Schneider, of Lalive; Lord Peter Goldsmith QC, of Debevoise & Plimpton; Paula Hodges, of Herbert Smith; and R Doak Bishop, of King & Spalding.



Arbitrator of the year Bernard Hanotiau



Gary Born accepts the "advocate of the year" award

"We were spoilt for choice in this category, and the award could have gone to any one of a select group," says GAR's managing editor, David Samuels, adding that in the end recommendations by Born's peers - including arbitrators he has appeared in front of recently - swung it in his favour.

The arbitrators told GAR that Born is "methodical in the best sense", "passionate without being overbearing", and "never

appears shaken or influenced by the stakes in a dispute." Rowley called him simply "stellar".

The award for institution of the year went to the Permanent Court of Arbitration in The Hague and was accepted by its secretary general Christian Kröner.

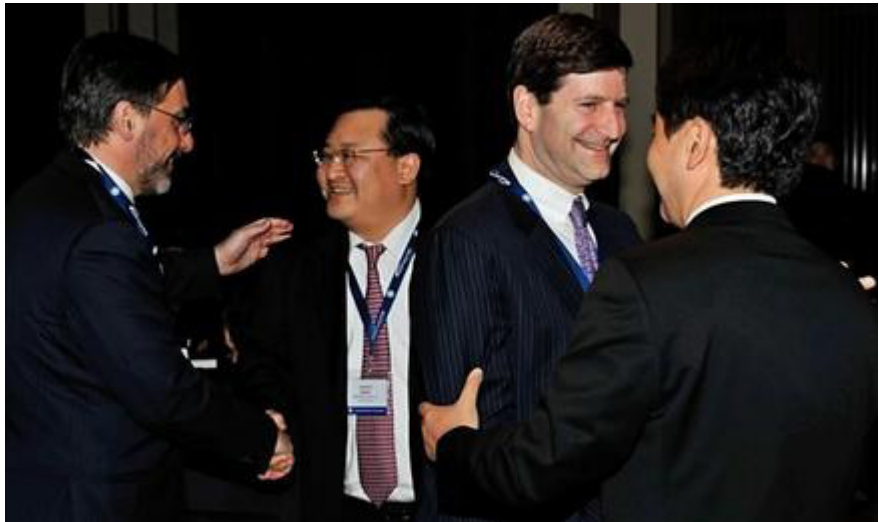


Christian Kröner

The ICC, LCIA, ICSID, SCC, HKIAC and SIAC were all nominated for this award, which is intended to recognise both "lifetime achievement" and particular policy initiatives. Of the runners-up, Samuels says the ICC and ICSID probably have the right to be the most disappointed. "Many people we spoke to said ICSID has improved tremendously in recent times, while the ICC has taken a number of impressive steps on arbitrator availability, as well as its rules revision, and has

also secured itself new premises.” But there could only be one winner, and Samuels says the PCA was the only institution to receive “absolutely universal, unqualified praise” from the users. Rowley joked that as the small institution’s caseload increases he hopes it will not now become slow and bureaucratic.

Chaffetz Lindsey was named “Small firm of the year”, narrowly beating Derains & Gheravi and Hafez. The GAR 100 notes that Chaffetz Lindsey has the client list “of a major firm”. The arbitration practice, led by partners David Lindsey and James Hosking, is currently acting for US energy company AES in its ICSID claim against Argentina.



Debevoise & Plimpton and Bae Kim & Lee congratulate each other on their “win of the year”.

Jan Paulsson, co-chair of the international arbitration group at Freshfields Bruckhaus Deringer, won the award for speech of the year for his inaugural lecture as holder of the Michael R Klein Distinguished Scholar Chair at the University of Miami School of Law in April. In the lecture, Paulsson questioned whether parties should be allowed to unilaterally appoint their own arbitrators - kickstarting a debate that he continued at a recent seminar in London. His colleague at the University of Miami Albert Jan van den Berg, name partner at Hanotiau & van den Berg, accepted the award on his behalf.

Debevoise & Plimpton shared “win of the year” with co-counsel Bae Kim & Lee for the award they secured for the world’s largest shipbuilder, Hyundai Heavy Industries, in a dispute with an Abu Dhabi company, represented by Shearman & Sterling, over shares in an oil company.

The tribunal ordered International Petroleum Investment Corporation to sell its stake to Hyundai at a discounted rate, in an award thought to be worth as much as US\$750 million to Hyundai. Judges said the win ticked all the boxes: it was a clear-cut, hard-fought victory worth a substantial sum. Rowley commented that the tribunal consisting of Hong Kong-based arbitrators Neil Kaplan and Michael Moser and Singapore-based Michael Pryles reflected the strength of international arbitration in Asia.

The prize for “court win of the year” went to Watson Farley & Williams and Toby Landau QC, who together convinced the UK courts not to enforce an ICC award won by Saudi real estate company Dallah against Pakistan. The GAR award recognises an eye-catching decision with wide implications beyond the immediate case. Commenting on the decision in GAR, a number of practitioners praised the lead judgments of Lord Mance and Lord Collins.



Andrew Savage collects for Dallah

Philippe Pinsolle, a partner at Shearman & Sterling in Paris, called it “a remarkable and fully accurate account of the present status of French law on the disputed issues. The main opinions perfectly capture, in a very learned fashion, the current position under French law.” Salim Moollan, a barrister at Essex Court Chambers in London, said it was a “dense and cogently reasoned” judgment that will “undoubtedly contribute to the development of the law of international arbitration both in England and beyond.”

Rowley said the decision is “eminently readable” and should feature in every academic programme on arbitration. The same case may have already provided another contender for next year’s award: a recent judgment of the Court of Appeal in Paris, which reached the opposite conclusion to the UK court.

According to Samuels, the award for the “sustained contribution” to best practice was intended for an organisation that has aided the development of international arbitration. Contenders included the listserv OGMID, the School of International Arbitration at the University of London, the ICC Institute of World Business Law, and the UNCITRAL Working Group II. But the award went to the IBA’s Committee on Arbitration, for the work of its various subcommittees. One judge commented that the IBA Rules of Evidence, which were updated in 2010, are “one of the pillars of modern arbitration”.

Korean firms Bae Kim & Lee and Kim & Chang shared an award for “special contribution to international arbitration”. Both firms are profiled in this year’s GAR 100, which describes them as two firms which have done the most to “help shape Korea’s fertile international arbitration culture.”

The award for “best development of 2010” was voted for by GAR subscribers in an online poll. The revised UNCITRAL Rules beat the international arbitration charity ball by the narrowest of margins.

A final spoof award for International Arbitration’s “best New Zealander” was shared between Jason Fry, secretary general of the ICC Court, and Stephen Jagusch, a partner at Allen & Overy in London.

After the event, Mark Friedman, a partner at Debevoise and Plimpton in New York and co-chair of the IBA’s arbitration committee, paid tribute to Rowley’s skills as a master of ceremonies: “He’s no James Franco or Anne Hathaway, but he did a wonderful job of hosting the event.”



James Hosking of Chaffetz Lindsey, which wins “Small Firm of the Year”