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CI Arb Costs of International Arbitration Survey 2011



The Chartered Institute of Arbitrators (CI Arb) is the professional home of dispute resolution. As an international not-for-profit organisation, our mission is to promote the use of alternative dispute resolution (ADR) as the preferred means of resolving disputes throughout the world. CI Arb is a truly global network, with over 12,000 members working in sectors as diverse as finance, construction, oil and gas and agriculture in over 110 countries worldwide. With nearly 40 branches worldwide, CI Arb provides dedicated professional guidance to our members through world-renowned training, conferences, events, research and publications.



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INTRODUCTION

In these difficult economic times, it is more important than ever for international arbitration to follow cost effective processes. However, in recent years there has been significant complaint by users of international arbitration that it is costing too much. As one of the world's leading professional bodies for promoting the use of Alternative Dispute Resolution (ADR), CI Arb decided to take up the challenge of examining and responding to this claim. While anecdotal evidence suggests that the costs are too high, we felt that some hard data was necessary in order to really understand what those costs are, and what can be done to reduce them. And so we launched our Costs of International Arbitration survey to explore how and why costs are incurred at each stage of the arbitration process, in the hope that we could use the findings as a basis

for discussion about how these costs can be effectively streamlined at our Costs of International Arbitration Conference in September 2011. Without the help of so many practicing international arbitrators and counsel from across the world we never could have assembled this data, and so we thank you all sincerely for your contribution. We hope that by offering hard data based on real experience, this survey will contribute to making international arbitration a more efficient and cost effective process for everyone involved.

Doug Jones AM FCI Arb
President of CI Arb

In dispute resolution buzz words such as “cost-effective” or “proportionate” are much used. They are rarely accompanied by concrete explanations, partly because parties and decision makers, such as arbitrators, do not have hard figures. Most parties in international commercial arbitration are novices. They do not know what the steps will cost. The overwhelming majority of costs incurred by a party are within its own control. Arbitrators and institutions account for less than 20%. But what are the actual costs? The survey conducted by CI Arb has produced much needed data about international arbitration and its costs. It provides a better understanding of what is involved and should pave the way for further investigations, since, like many surveys, the results need to be studied with care and limitations recognised. For example, it appears that a party's expenditure

is mostly on its legal team, not on experts, documents or witnesses. Whilst the results also show that 50% of claimants with claims under £1m spent less than £250,000 on their own costs, the other 50% spent more. Some spent an amount equal to such a claim. There is no room for complacency. The survey indicates that the average length of an arbitration is between 17 and 20 months - this must also be of concern, especially where litigation can be quicker. These illustrations from the survey pose the question: How can we reduce the time and cost of international commercial arbitration? I expect that you will find the results instructive and stimulating, as I did. I commend them to you warmly.

His Honour Humphrey LLOYD QC FCI Arb

The theoretical advantages of arbitration over court adjudication are manifold ...
These theoretical advantages [however] are not always fully realized.

Frank E. A. Sander, 2007

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The topic of costs is hardly glamorous ... Although it is the last thing to be dealt with in any arbitration, it is usually the first thing on the client's mind.

Michael O' Reilly

Managing an arbitration means also managing a client's expectations, including the client's costs in pursuing its case in arbitration.

Michael W. Bühler, 2005

ABBREVIATIONS/LIST OF CHARTS

AAA	American Arbitration Association
ADR	Alternative Dispute Resolution
CIArb	Chartered Institute of Arbitrators
DIAC	Dubai International Arbitration Centre
ICC	International Chamber of Commerce
LCIA	London Court of International Arbitration
LMAA	London Maritime Arbitrators Association
SCC	Stockholm Chamber of Commerce
SIAC	Singapore International Arbitration Centre

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One of the most difficult and important functions which an arbitrator has to perform relates to the making of awards on costs.

Chartered Institute of Arbitrators' Practice and Standards Committee

Practice Guideline 9

Methodology

- The survey consisted of ten questions with multiple sub-categories designed to elicit responses about the amounts parties claimed, the amounts arbitral tribunals awarded and the costs spent on various items.
- Information on 254 arbitrations conducted between 1991 and 2010 was considered to be useful for statistical analysis.

Survey participants at a glance

- 71% of respondents described themselves as party representatives, 25% as tribunal members and 4% did not identify with either category.
- Over 50% of respondents were from the UK (32%) and the rest of Europe (20%). The remaining 48% came from Asia, the Middle East, Africa, North America, Australasia and other locations.
- Over 20 arbitral institutions were represented in the sample.

The arbitrations

- The UK was the country most commonly chosen for seat of arbitration.
- 42% of respondents indicated that their dispute was of a General Commercial nature, as opposed to other types.
- Whatever the nature of the dispute, at least 50% of claims were between £1,000,000 and £50,000,000, while at least 75% of arbitral awards were for £10,000,000 or less.

The arbitrations (continued)

- 62% of arbitral proceedings were administered by an institution.
- The ICC was the most popular choice for institutional arbitration.
- The average arbitration took between 17 and 20 months.

EXECUTIVE SUMMARY

Costs: institutional vs *ad hoc*

- It was not possible to make statistical observations as to whether institutional arbitration is more or less expensive than *ad hoc* arbitration or if arbitrations administered by one institution were more expensive than those administered by another.

Party costs

- Party costs averaged around £1,348,000 in common law countries and £1,521,000 in civil law countries, a difference of nearly 13%.
- On average, claimants spent 12% more than respondents.
- 74% of party costs were spent on external legal costs.

Common costs

- The common costs of arbitrations in Europe were over 18% higher than in the UK.
- 60% of common costs were spent on arbitral fees, with the remaining 40% divided amongst the cost of producing transcripts, hiring the hearing venue, and paying certain arbitral expenses and other miscellaneous amounts.
- While the length of the arbitration may affect some of the common costs, it did not appear to be a material factor with respect to arbitral fees.

Costs: UK vs Europe

- Costs could vary depending on where the arbitration took place.
- Claimants' costs averaged approximately £1,540,000 in the UK, in comparison with £1,685,000 in Europe; a difference of nearly 10%.
- External legal fees were over 26% higher in Europe.

In March 2010, CIArb commissioned SHAPE* to construct a web-based survey on the costs of international arbitration. This survey consisted of ten questions with multiple sub-categories designed to elicit responses about the amounts parties claimed, the costs spent on various items, and the amounts received (if any) as arbitral awards. Cost questions were banded to minimise currency conversion errors. Between November 2010 and June 2011, individuals involved in the practice of international arbitration were con-

tacted via e-mail with a request to complete the survey. Telephone follow-ups were conducted in early June to encourage further responses, with the survey closing on 24 June. As the survey was concerned with individual arbitrations, respondents were invited to complete the survey more than once for separate disputes. Of the responses received, information on 254 international arbitrations conducted between 1991 and 2010 were considered to be useful for statistical analysis. Due to the nature of the survey and the da-

tabases available, it was not possible to draw a purely random sample of individual disputes and results quoted in this survey should therefore be interpreted as arising from a convenience sample of survey participants. Percentages are calculated on a means average basis. The research for this survey was led by His Honour Humphrey Lloyd QC FCIArb, with guidance and support provided by a committee of arbitration experts consisting of the Chartered Institute of Arbitrators' President Doug Jones AM FCIArb; Peter J. Rees QC FCI-

Arb, CArb of Royal Dutch Shell plc, and John Wright FCIArb of Goodman Derrick LLP. Collation and analysis of the survey results was conducted by Dr. Ben Styles CStat of Imperial College London, with compilation and drafting of the statistical findings produced by Jason A. Crook BA, BBA, JD, LL.M, MCIArb, Research Attorney. Charts, tables, and visual elements were formatted by Julio César Betancourt LLB, PGDip, PGT, LL.M, PGDip, PGDip, MCIArb, CIArb's Head of Research & Academic Affairs.

By a small sample we may judge of the whole piece...

Miguel de Cervantes, 1605

Who replied to the survey?

Survey respondents were classified into two groups based upon their roles in the arbitral process: party representatives and tribunal members. As Chart 1 indicates, out of 254 respondents who participated in the survey, 180 described themselves as party representatives and 64 as tribunal members. 10 respondents did not identify with either of these categories.

Where were they from?

Over 190 countries were listed for survey participants to choose from. These countries were grouped, for statistical purposes, into eight geographic regions reflected in Chart 2. Over 50% of survey respondents were from the UK (32%) and the rest of Europe (20%). The remaining 48% came from Asia, the Middle East, Africa, North America, Australasia and other locations.

52% of survey respondents were from Europe, including the UK.

Chart 1: Who replied to the survey?
(n 254)

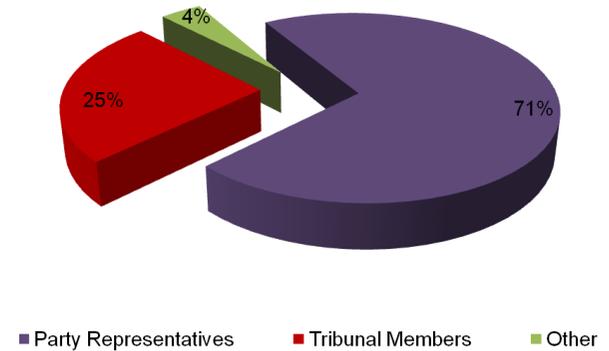
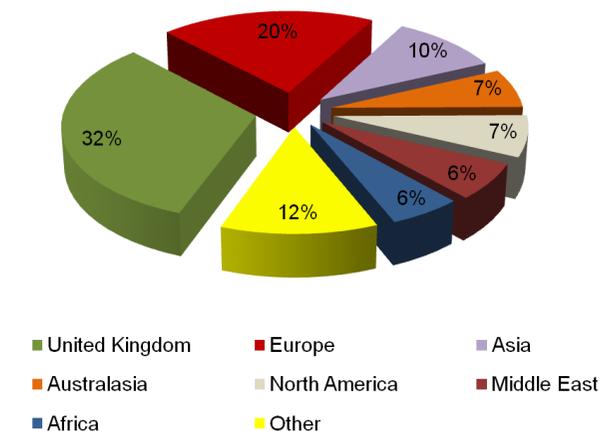


Chart 2: Where were survey respondents from?
(n 254)





What type of disputes were they involved in?

Survey respondents were asked to indicate the subject of their arbitral dispute. The following categories were included:

- General Commercial
- Shipping/Maritime
- Construction/Engineering
- Oil/Gas/Energy
- IP/Technology

As shown in Chart 3, 42% of respondents indicated that the nature of their dispute was General Commercial, with 53% divided amongst the four other categories and 5% identified as no response. The com-

paratively small number of no responses may indicate that, where none was given, the nature of the arbitral dispute fell outside the listed categories.

Where was the seat of arbitration?

It would not have been practicable or useful, for the purposes of this survey, to identify the seat of each arbitration. Instead, in order to discern worldwide trends participants were given several geographic regions to choose from. As Chart 4 indicates, the United Kingdom had 28% of the seats, followed by Europe with 22%, Asia with 11%, North America with 7% and the remaining 32% within some other region.

Chart 3: Type of dispute
(n 254)

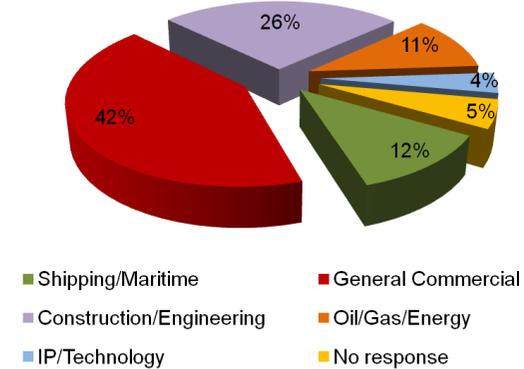
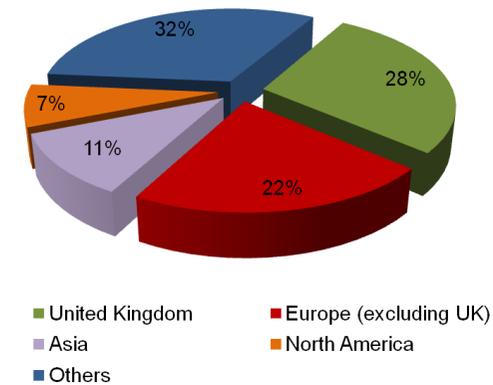


Chart 4: Regions of seats of arbitration
(n 254)



The UK was the most common seat of arbitration.

What type of arbitration was it?

As illustrated in Chart 5, nearly two out of every three arbitral proceedings were administered by an institution. The remainder were *ad hoc*. Of those which were institutionally administered, the ICC was the most popular choice, followed by the LCIA. In addition to the LMAA, AAA and SCC, over fifteen institutions were identified by survey respondents, of which DIAC and SIAC were mentioned most.

Costs: institutional vs *ad hoc*

Based on the sample sizes provided by survey participants, it was not possible to make statistically significant observations about whether institutional arbitration is less expensive than *ad hoc* arbitration or whether arbitrations administered by one institution were more expensive than those administered by another. Consequently, cost results are for all arbitrations reported by survey participants as a whole.

Chart 5: Type of arbitration
(n 254)

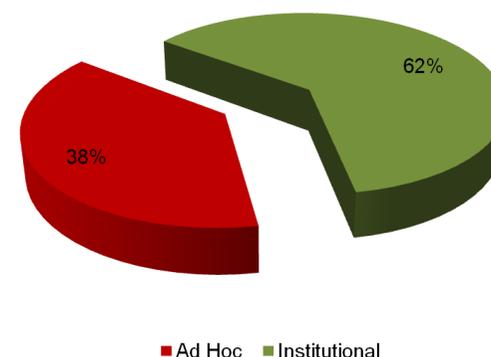
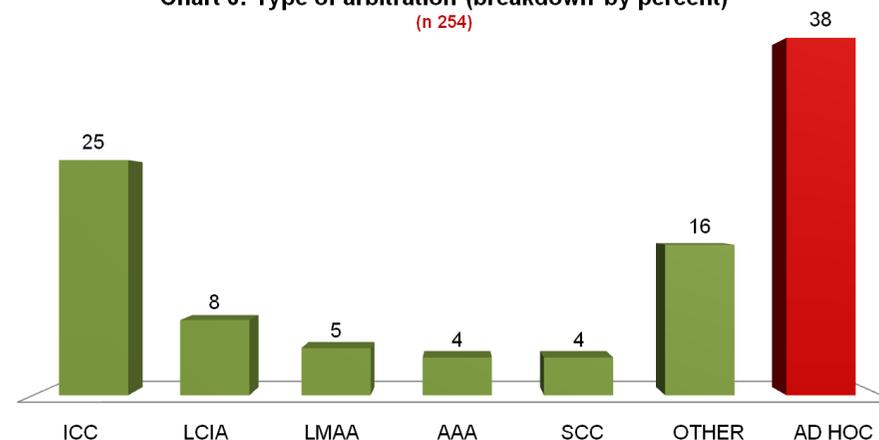


Chart 6: Type of arbitration (breakdown by percent)
(n 254)



The ICC was the most popular choice for institutional arbitration.



Value: claimed vs awarded

There is interest in the correlations between amounts claimed and amounts awarded and with the amounts of costs incurred to obtain an award. Participants were therefore asked to report what had been claimed and what was awarded. The charts below set out the overall results. Survey respondents could select one of five monetary bands,

ranging from less than £1,000,000 to more than £100,000,000. Due to sample sizing, three categories were chosen:

- General Commercial
- Construction/Engineering
- Other*

Each chart below combines the distribution of the amounts respondents indicated had been claimed (blue)

with the amounts arbitral tribunals actually awarded (red), with each colour series adding up to 100%. In general commercial disputes, for instance, 76% of claims (32+22+11+11 in blue) were for £1,000,000 or more, but 48% of awards were for less than £1,000,000. Similarly, 92% of construction/engineering claims (42+30+11+9 in blue) were for the same amount, whilst 43% of awards

were for less than £1,000,000. For other claims, this trend was also observed with 77% (29+21+2+25 in blue) claiming £1,000,000 or more and 54% of awards being for £1,000,000 or less. Regardless of the nature of the dispute, at least 50% of claims brought to arbitral tribunals were between £1,000,000 and £50,000,000, while at least 75% of arbitral awards were for £10,000,000 or less.

Chart 7: General Commercial (n 85 vs 75)

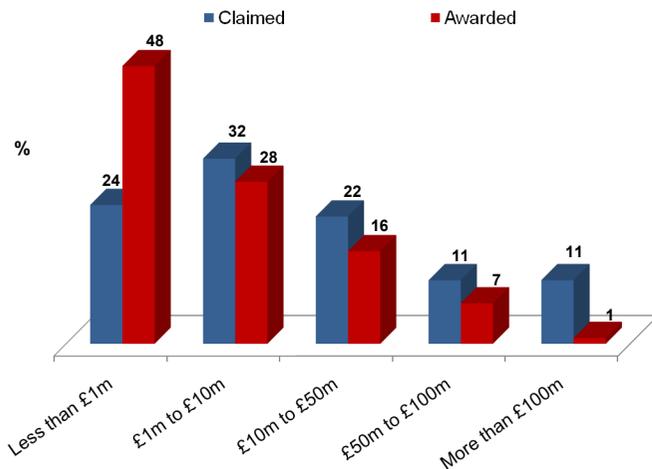


Chart 8: Construction/Engineering (n 53 vs 40)

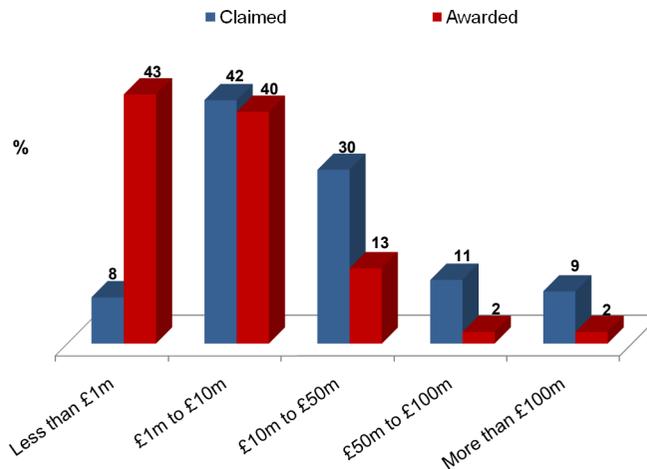
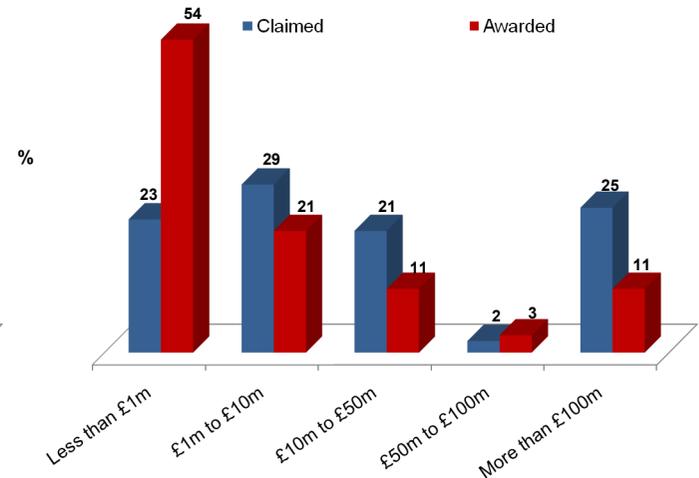


Chart 9: Other (n 48 vs 35)



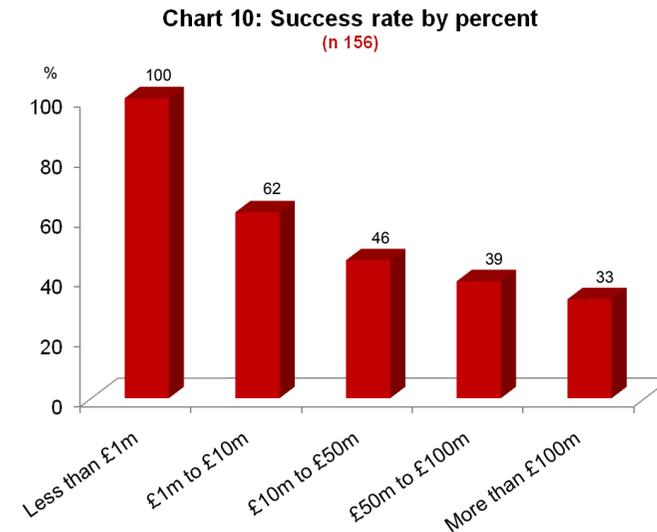
* This category includes Shipping/Maritime, Oil/Gas/Energy, and IP/Technology. Due to sample sizing, counterclaims have not been included in the analysis.

How much did they get?

Survey participants were also asked to provide information about how much was claimed and how much was awarded for each individual dispute. Chart 10 illustrates the percentage of survey respondents who received an award for some amount (i.e. claims that failed entirely are not included) in the same monetary band as the amount they claimed. Regardless of the nature of the dispute, the data indicates that 100% of those that claimed up to £1,000,000

received an award within this category. 62% of parties claiming between £1,000,000 and £10,000,000 obtained an award within this range, in comparison with a 46% success rate for claims between £10,000,000 and £50,000,000.

Additionally, 39% of survey participants claiming between £50,000,000 and £100,000,000 received an award within these limits, while 33% of participants claiming for £100,000,000 or more received an award for no less than this amount.



62% of parties claiming between £1,000,000 and £10,000,000 obtained an award within this range.



How much did they spend?

When deciding whether to bring or defend a claim (or counterclaim), parties must determine how much they are willing to invest in the proceeding. Chart 11 illustrates by percentage what was spent for each of the main monetary claim categories.* Irrespective of the nature of the dispute, 48% of parties spent no more than £250,000 (represented in blue) on claims for £1,000,000 or less. 44% indicated that the average spend on claims between £1,000,000 and £10,000,000 was no more than £1,000,000 (represented in the blue, red, green and purple column areas), and for 50% of parties the costs of arbitration were no more than £1,500,000 (represented in the blue, red, green, purple and orange column areas) for claims between £10,000,000 and £50,000,000.

What did they spend it on?

Regardless of the nature of the dispute and the amount of money that a party spent (whether claimant or respondent), the cost breakdown by percent was remarkably much the same. Six cost categories were listed in the survey; Chart 12 illustrates the percentages allocated to each one. 74% of party costs were spent on external legal costs (including where applicable barristers' fees), with the remaining 26% spread across the other headings. For example, as Chart 12 indicates, out of a total expenditure of £1,000,000, the costs a party would incur might be distributed as follows:

- £740,000 for external legal fees
- £100,000 for experts' fees and expenses
- £80,000 for external expenses
- £50,000 for witness fees
- £30,000 for management costs

Chart 11: How much did they spend?

(n 147)

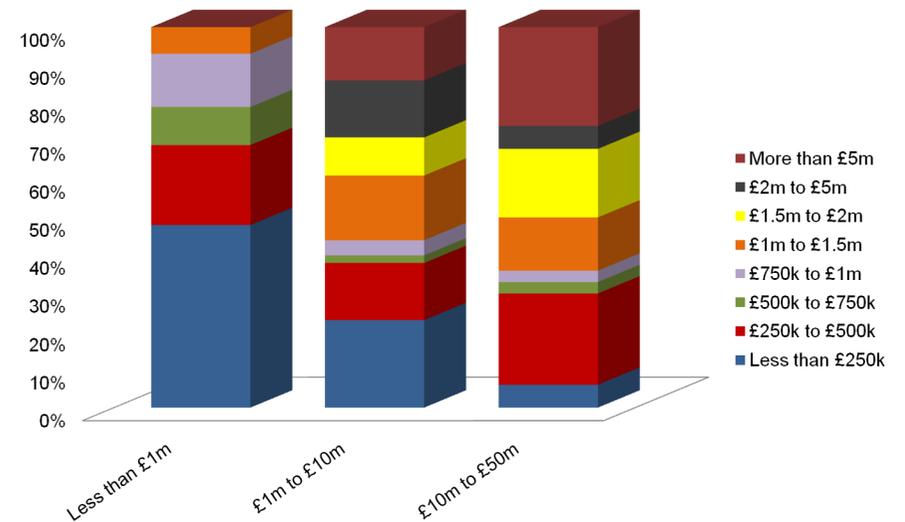
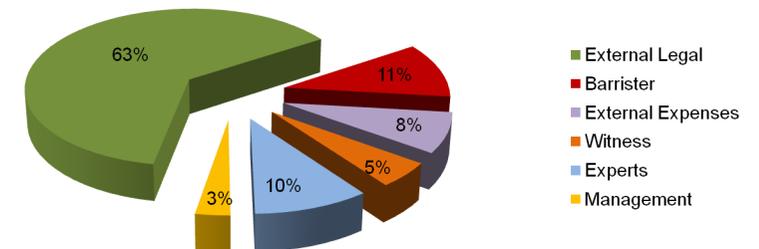


Chart 12: What did they spend it on?

(n 123)



* Due to the limited amount of cost data on claims over £50,000,000, the remaining monetary bands were removed from the analysis.

External Legal Fees

Of the 74% of costs referred to on the preceding page, Chart 13 shows that, irrespective of the nature of the dispute, parties spent 19% on the pre-commencement/commencement of the arbitration, 25% on the exchange of pleadings, 5% on discovery, 14% on fact and expert witnesses,* and the remaining 37% on the hearing (before, during and after).

To illustrate the practical application of these percentages, a party with external legal costs of £740,000 might have spent:

- £140,600 on pre-com/com work
- £185,000 on the exchange of pleadings
- £37,000 on discovery
- £103,600 on witness costs
- £273,800 on the hearing (before, during and after)

Common Costs

In addition to the party costs, other costs will also be incurred by both parties. As shown by Chart 14, 60% of these costs were spent on arbitral fees, with the remaining 40% divided amongst the cost of producing transcripts of the proceedings, hiring the hearing venue, paying certain arbitral expenses, and covering other miscellaneous amounts.

Out of £150,000 of common costs, for instance, the parties' expenses would be allocated as follows:

- £90,000 for arbitral fees
- £15,000 for arbitral expenses
- £10,500 on hiring the venue
- £6,000 on transcripts
- £28,500 on other costs

Chart 13: External Legal/Barrister (breakdown)
(n 40)

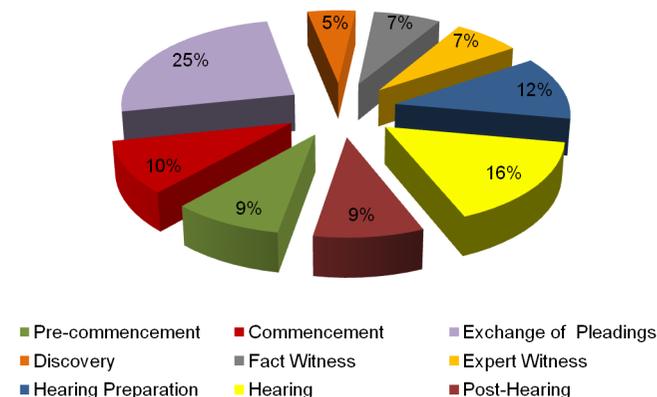
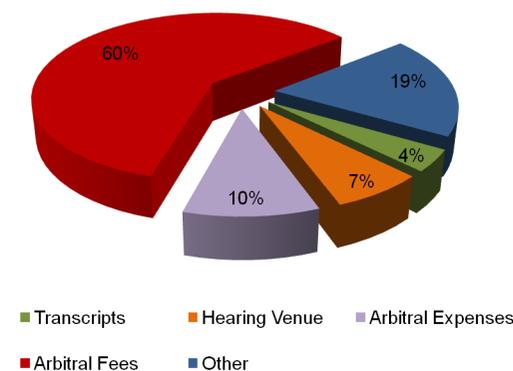


Chart 14: Common Costs Allocation
(n 38)



* In this section, witness costs relate to the cost of obtaining witness evidence rather than the costs of compensating the witnesses. Percentages are calculated on a means average basis.



Common costs by category

The amount parties spent on common costs was seen to vary depending upon the nature of the dispute. As Chart 14 showed and Chart 15 reflects, arbitral fees account for the greater part of such costs. The average liability was £103,000 for general commercial disputes, £90,000 for construction/engineering and £34,000 for other disputes. For the production of transcripts, hiring the hearing venue and paying for arbitral expenses, costs did not exceed £15,000 in any category.

Length of arbitration

In order to determine whether there was a link between the common costs incurred by the parties and the length of the arbitral proceeding, survey participants were asked to provide information on the duration of the arbitration. Chart 16 shows that the average arbitration took between 17 and 20 months, depending on the nature of the dispute. While length may affect some of the common costs, it does not appear to have been a material factor with respect to arbitral fees.

The average arbitration took between 17 and 20 months.

Chart 15: Common Costs by Dispute Category

(n 52)

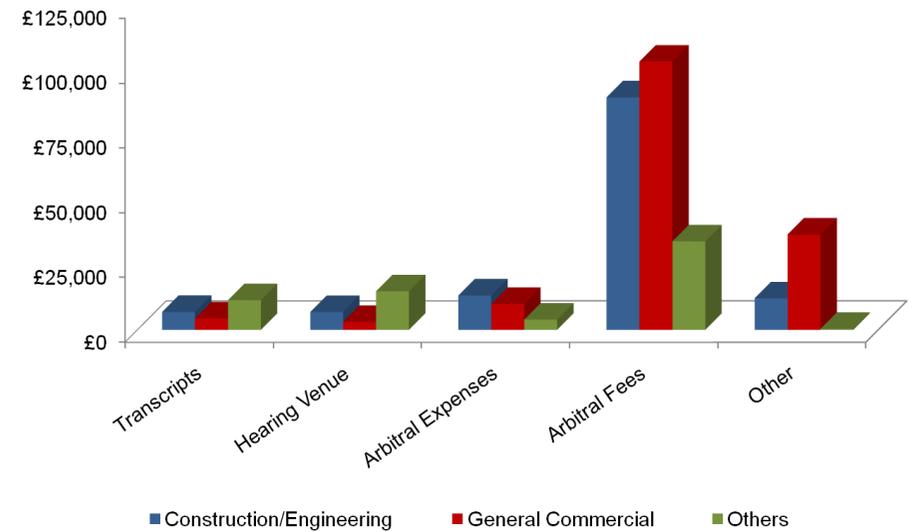
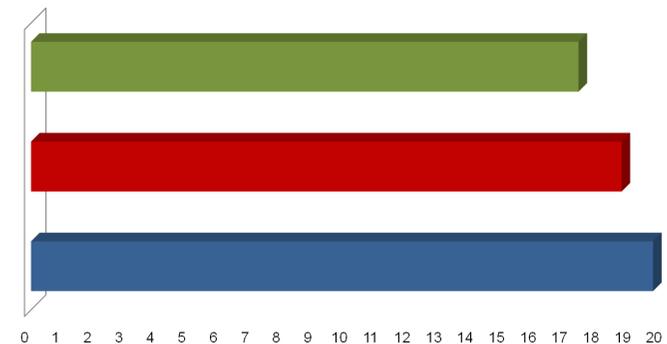


Chart 16: Length of Arbitration (In Months)

(n 149)



Who Spends More?

Although similarities were observed between the allocation of party costs referred to in Chart 12, survey data indicated that, regardless of the nature of the dispute or the amount claimed, a claimant spent more than a respondent. Chart 18 indicates that, overall, claimants spent approximately £1,580,000 while respondents

spent an average of £1,413,000; a difference of nearly 12%.

On the other hand, when survey participants were asked how much was spent on experts, a noticeable difference appeared, with respondents outspending claimants by £330,000 to £213,000, or nearly 55%.

Claimants spent 12% more than respondents.

Chart 17: Claimant's costs vs Respondent's Costs
(n 74 vs 49)

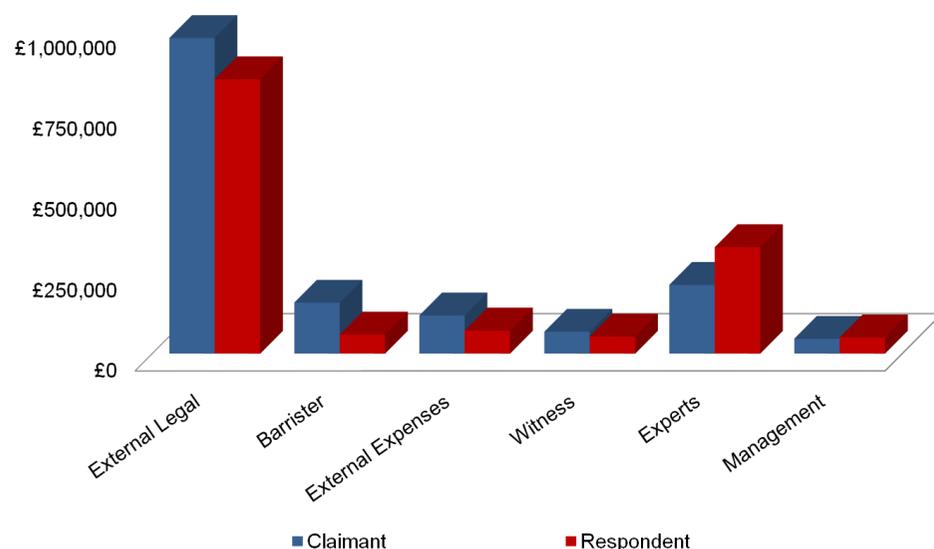


Chart 18: Claimant's costs vs Respondent's Costs (breakdown)
(n 74 vs 49)

	CLAIMANT	RESPONDENT
External legal	£978,171	£850,543
Barrister	£157,688	£58,942
External expenses	£118,063	£71,336
Witness	£67,759	£52,639
Experts	£212,877	£329,836
Management	£45,746	£50,163
TOTAL	£1,580,304	£1,413,459



Costs: UK vs Europe

Irrespective of the nature of the dispute, a party's costs can vary depending on where the seat of arbitration is. The survey assumed hearings took place at the seat. Survey data indicated that arbitrations whose seat was in the UK were less costly than in the rest of Europe. Claimants' costs averaged approximately £1,540,000 in the UK, in comparison with £1,685,000 in Europe; a difference of nearly 10%. Although barrister costs were higher

in the UK (possibly due to the traditional separation of functions between solicitors and barristers) external legal fees were over 26% higher in Europe. Survey respondents similarly reported that the common costs of arbitrations in Europe were over 18% higher than in the UK. Given the small proportion of the population surveyed that reported such costs, these results should be interpreted with caution and may not be representative of international arbitrations as a whole.

Arbitrations with seats in the UK were less costly than in the rest of Europe.

Chart 19: Claimant Costs (UK vs Europe)
(n 26 vs 27)

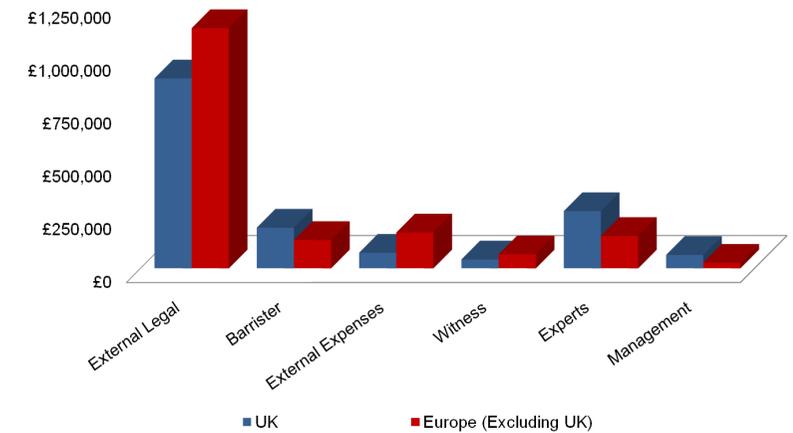
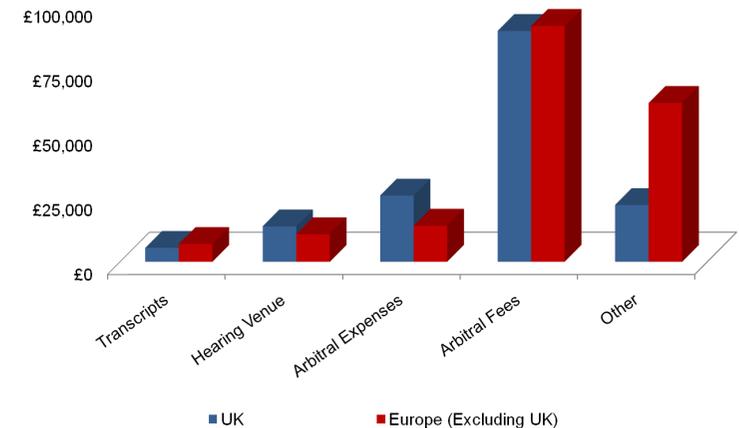


Chart 20: Common Costs (UK vs Europe)
(n 20 vs 16)



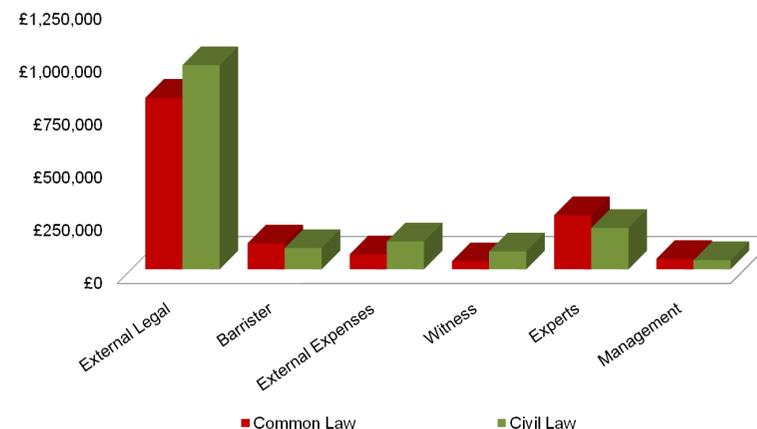
Costs: Common Law vs Civil Law

A comparison was made between the amounts parties spent on arbitral proceedings whose seats were in common and civil law countries.* Regardless of the nature of the dispute, survey participants reported that arbitrations with seats in common law countries were less costly than in civil law countries for both claimants and respondents. Party costs averaged approximately

£1,348,000 in common law countries and £1,521,000 in civil law countries, a difference of nearly 13%.

Chart 21 indicates that external legal costs, external expenses and witnesses were significantly more expensive in arbitrations with the seat in a civil law country. In common law arbitrations, however, barrister fees, experts and management costs were higher than in civil law countries.

Chart 21: Party Costs (Common Law vs Civil Law)
(n 45 vs 68)



Survey participants reported that arbitrations in common law countries were less costly than in civil law countries.

* In this section, common law countries consist of the United Kingdom, the United States, Australia, Canada and New Zealand. For the purposes of this survey, the remaining countries were considered to be civil law jurisdictions.

Arbitration can cost just as much or as little as the parties wish it to cost.

Roland Burrows, 1930

ACKNOWLEDGEMENTS

CIArb is the world's leading global professional institute dedicated to promoting the use of ADR as the preferred means of resolving disputes throughout the world. One of the ways in which we do this is through carrying out rigorous academic research into issues of paramount importance to the worldwide ADR community. By launching our survey and conference examining the costs of international arbitration, I feel that we are moving forward in our mission by contributing to an extremely important and topical discussion to support the work of ADR colleagues throughout the world. Many people — from the hundreds of international arbitrators and counsel who completed the survey to our organising committee, research, events and marketing teams here at CIArb — contributed to making this survey and conference a success.

All of our sponsors also deserve a mention for their generous support of this conference, and in particular our headline conference sponsors, Alvarez and Marsal. I would therefore like to personally thank all of you for your invaluable help and support. This is my last international conference before I retire as Director General of CIArb in the New Year. It is a great pleasure that one of CIArb's achievements in my final months will be this significant contribution to a discussion that will help promote international arbitration as an alternative method for solving international disputes.



Michael Forbes Smith
Director General

CIArb would like to thank all of the many talented people who lent their time and expertise to help make this survey and conference a success. First and foremost we would like to say a huge thank you to our organising committee, Humphrey Lloyd, Doug Jones, Peter Rees and John Wright, for their tireless work and dedication, without which the survey and conference could simply not have happened. The survey would not have been possible without the patience and generosity of all of the international arbitrators and counsel who took time out of their busy schedule to share their experiences with us. CIArb would also like to give a special thank you to SHAPE, Ben Styles, Jason Crook, and CIArb's own academic research team for their highly professional and painstaking work analysing the data and constructing the final survey docu-

ment. Last but not least, CIArb would like to thank its own marketing team for their hard work, determination and hands on approach to pushing the survey out into the world. For the conference, we would like to give our sincere thanks to all of our conference sponsors and co-sponsors for their support, and in particular to our headline sponsor Alvarez & Marsal. A special mention is due to all of our conference speakers for joining us from across the world to share their knowledge and expertise. Finally, we would like to thank our wonderful events team for working so hard on all aspects of organising and running the event. This survey and conference would not have been possible without the contribution of all of the people and organisations mentioned above and so, once again, we would like to give you all our sincerest thanks for your help and support.

In many cases ... costs can become of even greater consequence than a verdict and frequently do.

W. E. Watson, 1933

EDITED VERSION OF WEB-BASED SURVEY FORM

1. In which of these roles are you responding to this survey?

- Representative of party
 Tribunal member

2. What was the nature of the dispute?

- Shipping/Maritime
 General Commercial
 Construction/Engineering
 Oil/Gas/Energy
 IP/Technology

3. When was the start date of the proceedings?

Date: _____ Month: _____ Year: _____

And the end date?

Date: _____ Month: _____ Year: _____

4. Where was the seat of arbitration?

- | | |
|--|---|
| <input type="checkbox"/> UK | <input type="checkbox"/> Former CIS |
| <input type="checkbox"/> Continental Europe | <input type="checkbox"/> Indian Sub-Continent |
| <input type="checkbox"/> USA | <input type="checkbox"/> Far East |
| <input type="checkbox"/> Central/South America | <input type="checkbox"/> Australasia |
| <input type="checkbox"/> Middle East | <input type="checkbox"/> Other |

5. Which arbitral institution administered this arbitration?

- | | |
|-------------------------------|---------------------------------|
| <input type="checkbox"/> ICC | <input type="checkbox"/> AD HOC |
| <input type="checkbox"/> LCIA | <input type="checkbox"/> Other |
| <input type="checkbox"/> LMAA | |
| <input type="checkbox"/> AAA | |
| <input type="checkbox"/> SCC | |

6. For the following questions, please convert the amount into UK Sterling (Pounds) at the current rate of exchange.

6.a Value claimed:

- Less than £1m
 £1m to £10m
 £10m to £50m
 £50m to £100m
 More than £100m

6.b Amount awarded:

- Less than £1m
 £1m to £10m
 £10m to £50m
 £50m to £100m
 More than £100m

6.c Value counter-claimed:

- Less than £1m
 £1m to £10m
 £10m to £50m
 £50m to £100m
 More than £100m

6.d Amount awarded:

- Less than £1m
 £1m to £10m
 £10m to £50m
 £50m to £100m
 More than £100m



7. Costs - Overall (excluding common costs and settlement/mediation costs)

7.a Claimant's total claim:

- | | |
|--|--|
| <input type="checkbox"/> Less than £250k | <input type="checkbox"/> £1.5m to £2m |
| <input type="checkbox"/> £250k to £500k | <input type="checkbox"/> More than £5m |
| <input type="checkbox"/> £500k to £750k | |
| <input type="checkbox"/> £750k to £1m | |
| <input type="checkbox"/> £1m to £1.5m | |

Awarded:

_____ % of amount claimed.

If this was less than 100%, please tell us why:

7.b Respondent's total claim:

- | | |
|--|--|
| <input type="checkbox"/> Less than £250k | <input type="checkbox"/> £1.5m to £2m |
| <input type="checkbox"/> £250k to £500k | <input type="checkbox"/> More than £5m |
| <input type="checkbox"/> £500k to £750k | |
| <input type="checkbox"/> £750k to £1m | |
| <input type="checkbox"/> £1m to £1.5m | |

Awarded:

_____ % of amount claimed.

If this was less than 100%, please tell us why:

**8. Breakdown of Costs - Overall
(excluding common costs and settlement/mediation costs)**

8.a Breakdown by category:

Claimant **Respondent**

External legal fees (excluding barrister's if used).

_____ %

Barrister's fees.

_____ %

External expenses disbursements excluding witnesses / experts.

_____ %

Witness fees/costs/expenses.

_____ %

Experts costs/expenses.

_____ %

Internal management costs (if claimed).

_____ %

Please ensure the percentages above add to 100%

8.b Breakdown of external legal fees (including barrister's if used)

Claimant **Respondent**

Pre-commencement of arbitration.

_____ %

Commencement

_____ %

EDITED VERSION OF WEB-BASED SURVEY FORM

Completion of exchange of written pleadings/memorials.

%

Discovery.

%

Fact witness.

%

Expert witness.

%

Hearing preparation.

%

Hearing.

%

Post-hearing.

%

Please ensure the percentages above add to 100%

9. Common costs (state if not shared prior to allocation by tribunal)

Claimant **Respondent**

Transcripts.

£

Hearing venue costs.

£

Arbitral expenses.

£

Arbitral fees.

£

Other.

%

10. Settlement/mediation costs

%

Is there any other information you would like to provide which is relevant to costs in arbitration?

* The web-based survey was generated by Shape the Future — Market Research Company
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arbitražo
voldgift
döntőbíráskodás
arbitráž
arbitrage
skiljedom
تحكيم
välimesmenettely
arbitraj
schlichtung
Arbitration
eadrána
माध्यस्थम्
διαίτησία
arbitraaž
arbitraje
arbitrato
арбитраж
arbitražā
Šķīrējtiesa
仲裁
arbitragem
arbitragg

NATURE OF DISPUTE BY COUNTRY			
Frequency	Construction/ Engineering	General Commercial	Other
Australasia	6	7	4
Europe	9	27	13
North America	3	9	7
South America	0	1	0
Asia	7	15	4
Middle East	10	4	2
Africa	5	5	3
UK	19	31	29

WHERE WERE PARTICIPANTS FROM?		
Frequency	Representative of party	Tribunal Member
Australasia	11	6
Europe	40	11
North America	12	6
South America	1	0
Asia	22	4
Middle East	13	3
Africa	9	5
UK	58	24

* The tables contained in the appendix have been included to provide additional information for those seeking to carry out further analysis.



ROLE OF SURVEY RESPONDENT BY DISPUTE CATEGORY

Frequency	Construction/ Engineering	General Commercial	Other
Representative of party	47	82	45
Tribunal Member	18	23	21

WHERE WAS THE SEAT OF ARBITRATION?

Frequency	A	AU	E	ME	NA	O	UK
Representative of party	19	8	44	13	13	11	53
Tribunal Member	9	2	10	5	5	5	16

Asia	A
Australasia	AU
Europe (Not UK)	E
Middle East	ME
North America	NA
Other	O
United Kingdom	UK

NATURE OF DISPUTE BY SEAT OF ARBITRATION

Frequency	A	AU	E	ME	NA	O	UK
Shipping/Maritime	2	1	4	1	0	1	16
General Commercial	11	5	29	5	9	6	29
Construction/ Engineering	11	3	9	11	5	7	12
Oil/Gas/Energy	2	2	8	1	2	1	8
IP/Technology	2	0	4	0	2	0	1

Asia	A
Australasia	AU
Europe (Not UK)	E
Middle East	ME
North America	NA
Other	O
United Kingdom	UK

VALUE CLAIMED

q6a	Frequency
Less than £1m	37
£1m to £10m	65
£10m to £50m	47
£50m to £100m	18
More than £100m	26

VALUE COUNTER-CLAIMED	
q6c	Frequency
Less than £1m	71
£1m to £10m	33
£10m to £50m	21
£50m to £100m	2
More than £100m	3

REASONS FOR RECEIVING LESS THAN 100% BY SEAT OF ARBITRATION							
Frequency	A	AU	E	ME	NA	O	UK
Tribunal Discretion	3	0	3	0	0	1	4
Settlement Concluded	0	1	0	0	1	0	5
Unsuccessful Claim (Partial/Complete)	3	0	7	3	0	2	7
Administrative Issue	0	0	2	2	1	0	1
Cost Agreement	0	0	1	1	0	0	3

Asia	A
Australasia	AU
Europe (Not UK)	E
Middle East	ME
North America	NA
Other	O
United Kingdom	UK

DISTRIBUTION BY INSTITUTION		
Frequency	Other	UK/NA/AU
ICC	39	22
LCIA	2	18
LMAA	0	12
AAA	0	9
SCC	7	0
AD HOC	30	16

United Kingdom	UK
North America	NA
Australasia	AU



NATURE OF DISPUTE BY INSTITUTION			
Frequency	Construction/ Engineering	General Commercial	Other
ICC	22	33	5
LCIA	1	12	7
LMAA	0	0	13
AAA	4	1	3
SCC	0	3	4
AD HOC	11	20	12

NATURE OF DISPUTE BY VALUE			
Frequency	Construction/ Engineering	General Commercial	Other
Less than £1m	4	21	11
£1m to £10m	22	27	14
£10m to £50m	16	19	10
£50m to £100m	6	9	1
More than £100m	5	9	12

AMOUNT AWARDED BY VALUE CLAIMED					
Frequency	Less than £1m	£1m to £10m	£10m to £50m	£50m to £100m	More than £100m
Less than £1m	33	21	11	4	6
£1m to £10m	0	34	9	2	1
£10m to £50m	0	0	17	2	3
£50m to £100m	0	0	0	5	2
More than £100m	0	0	0	0	6

AMOUNT AWARDED BY VALUE COUNTER-CLAIMED					
Frequency	Less than £1m	£1m to £10m	£10m to £50m	£50m to £100m	More than £100m
Less than £1m	60	17	6	0	1
£1m to £10m	2	13	4	0	0
£10m to £50m	0	0	4	0	0
£50m to £100m	0	0	0	1	0
More than £100m	0	0	1	0	0

AMOUNT COUNTER-CLAIMED BY DISPUTE CATEGORY			
Frequency	Construction/Engineering	General Commercial	Other
Less than £1m	15	31	22
£1m to £10m	15	11	5
£10m to £50m	9	8	3
£50m to £100m	0	0	2
More than £100m	3	0	0



CLAIMANT'S TOTAL CLAM FOR COSTS	
q7a	Frequency
Less than £250k	31
From £250k to £500k	24
From £500k to £750k	10
From £750k to £1m	9
From £1m to £1.5m	17
From £1.5m to £2m	14
From £2m to £5m	13
More than £5m	29

COSTS SPENT BY VALUE COUNTER-CLAIMED					
Frequency	Less than £1m	£1m to £10m	£10m to £50m	£50m to £100m	More than £100m
Less than £250k	26	2	5	0	0
From £250k to £500k	8	3	1	0	0
From £500k to £750k	4	2	0	0	0
From £750k to £1m	4	3	1	0	0
From £1m to £1.5m	3	5	4	0	0
From £1.5m to £2m	1	4	1	0	0
From £2m to £5m	1	3	1	0	0
More than £5m	4	3	3	0	2

COSTS SPENT BY VALUE CLAIMED

Frequency	Less than £1m	£1m to £10m	£10m to £50m	£50m to £100m	More than £100m
Less than £250k	14	12	2	1	2
From £250k to £500k	6	8	8	1	1
From £500k to £750k	3	1	1	4	1
From £750k to £1m	4	2	1	1	1
From £1m to £1.5m	2	9	5	0	1
From £1.5m to £2m	0	5	6	2	1
From £2m to £5m	0	8	2	0	3
More than £5m	0	7	9	3	10

COSTS SPENT BY DISPUTE CATEGORY

Frequency	Construction/Engineering	General Commercial	Other
Less than £250k	8	10	13
From £250k to £500k	5	17	2
From £500k to £750k	1	6	2
From £750k to £1m	2	4	1
From £1m to £1.5m	6	6	5
From £1.5m to £2m	7	4	1
From £2m to £5m	2	9	2
More than £5m	10	12	7



COSTS SPENT ON RESPONDENT CLAIM	
q7b	Frequency
Less than £250k	38
From £250k to £500k	14
From £500k to £750k	6
From £750k to £1m	9
From £1m to £1.5m	12
From £1.5m to £2m	8
From £2m to £5m	6
More than £5m	12

RESPONDENT COSTS BY DISPUTE CATEGORY			
Frequency	Construction/ Engineering	General Commercial	Other
Less than £250k	9	16	12
From £250k to £500k	4	5	3
From £500k to £750k	2	3	1
From £750k to £1m	1	5	2
From £1m to £1.5m	4	4	3
From £1.5m to £2m	2	3	2
From £2m to £5m	4	2	0
More than £5m	7	3	2

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