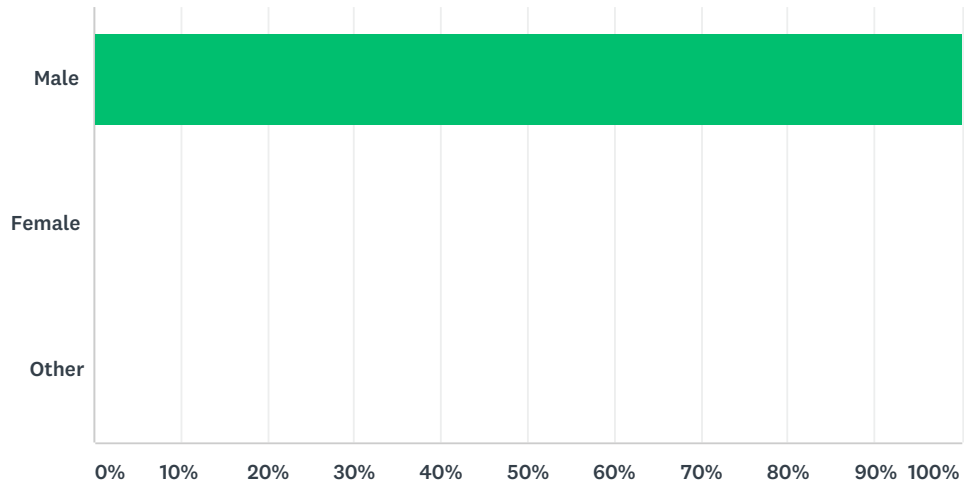


## Q2 The following two questions address diversity within arbitration. How would you describe your gender?

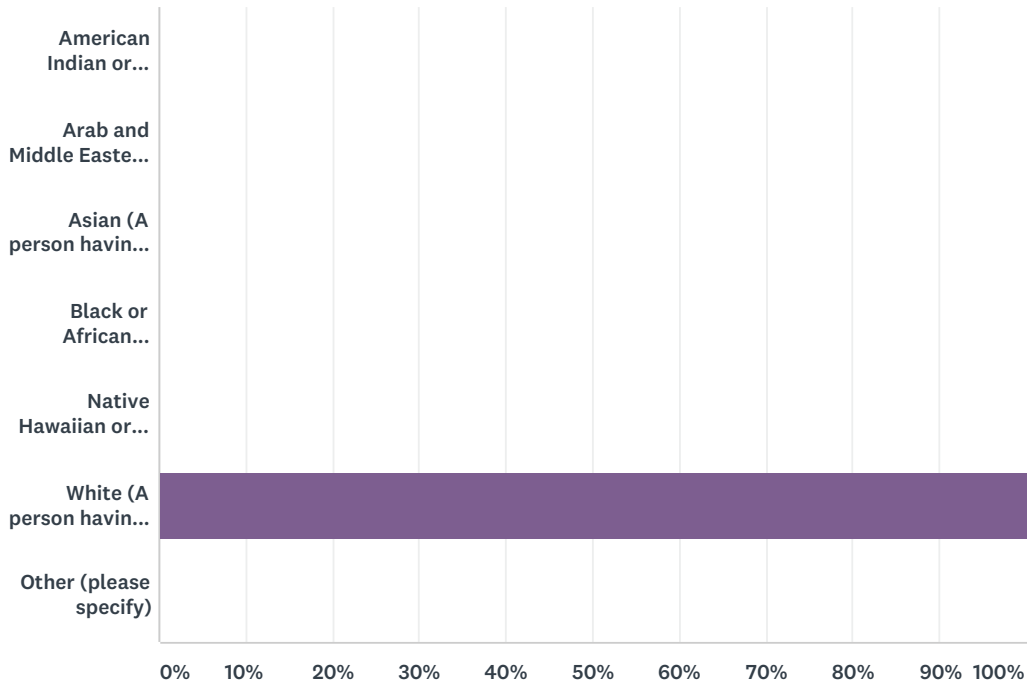
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
Male	100.00% 10
Female	0.00% 0
Other	0.00% 0
TOTAL	10

### Q3 This question addresses diversity within arbitration. How would you describe your ethnicity? Select all that apply.

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
American Indian or Alaska Native (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment)	0.00% 0
Arab and Middle Eastern (A person having origins in any of the original peoples of the Middle East or North Africa)	0.00% 0
Asian (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)	0.00% 0
Black or African American (A person having origins in any of the Black racial groups of Africa – includes Caribbean Islanders and other of African origin.)	0.00% 0
Native Hawaiian or Other Pacific Islander (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands)	0.00% 0
White (A person having origins in any of the original peoples of Europe)	100.00% 10
Other (please specify)	0.00% 0
Total Respondents: 10	

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Q4 Select one of the following Countries as the Country in which you primarily work. This Country will be referred to as "your Country" throughout the survey. Note: If you work regularly in more than one of the Countries listed, please select the Country whose domestic arbitration law and practice you know best. For the purposes of this question, certain overseas territories of Denmark, France, the Netherlands and the United Kingdom are themselves treated as Countries.

Answered: 10 Skipped: 0





## Survey on the Law and Practice of Arbitration in the Americas



ANSWER CHOICES	RESPONSES	
Canada	100.00%	10
Anguilla	0.00%	0
Antigua and Barbuda	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

Argentina	0.00%	0
Aruba	0.00%	0
Bahamas	0.00%	0
Barbados	0.00%	0
Belize	0.00%	0
Bermuda	0.00%	0
Bolivia	0.00%	0
Brazil	0.00%	0
British Virgin Islands	0.00%	0
Caribbean Netherlands (Bonaire, Sint Eustatius, Saba)	0.00%	0
Cayman Islands	0.00%	0
Chile	0.00%	0
Colombia	0.00%	0
Costa Rica	0.00%	0
Cuba	0.00%	0
Curaçao	0.00%	0
Dominica	0.00%	0
Dominican Republic	0.00%	0
Ecuador	0.00%	0
El Salvador	0.00%	0
Falkland Islands	0.00%	0
French Guiana	0.00%	0
Greenland	0.00%	0
Grenada	0.00%	0
Guadeloupe	0.00%	0
Guatemala	0.00%	0
Guyana	0.00%	0
Haiti	0.00%	0
Honduras	0.00%	0
Jamaica	0.00%	0
Martinique	0.00%	0
Mexico	0.00%	0
Montserrat	0.00%	0
Nicaragua	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

Panama	0.00%	0
Paraguay	0.00%	0
Peru	0.00%	0
Saint Barthélemy	0.00%	0
Saint Kitts & Nevis	0.00%	0
Saint Lucia	0.00%	0
Saint Martin	0.00%	0
Saint Pierre and Miquelon	0.00%	0
Saint Vincent & the Grenadines	0.00%	0
Sint Maarten	0.00%	0
Suriname	0.00%	0
Trinidad and Tobago	0.00%	0
Turks & Caicos Islands	0.00%	0
United States of America (incl. Puerto Rico and the United States Virgin Islands)	0.00%	0
Uruguay	0.00%	0
Venezuela	0.00%	0
<b>TOTAL</b>		<b>10</b>

**Q10 Select one of the following Canadian Provinces/Territories as the Province in which you primarily work. Note: If you work regularly in more than one of the Provinces listed, please select the Province with which you have the most experience as an arbitral seat. For the purposes of this question the Canadian Territories are treated as Provinces.**

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Alberta	100.00%	10
British Columbia	0.00%	0
Manitoba	0.00%	0

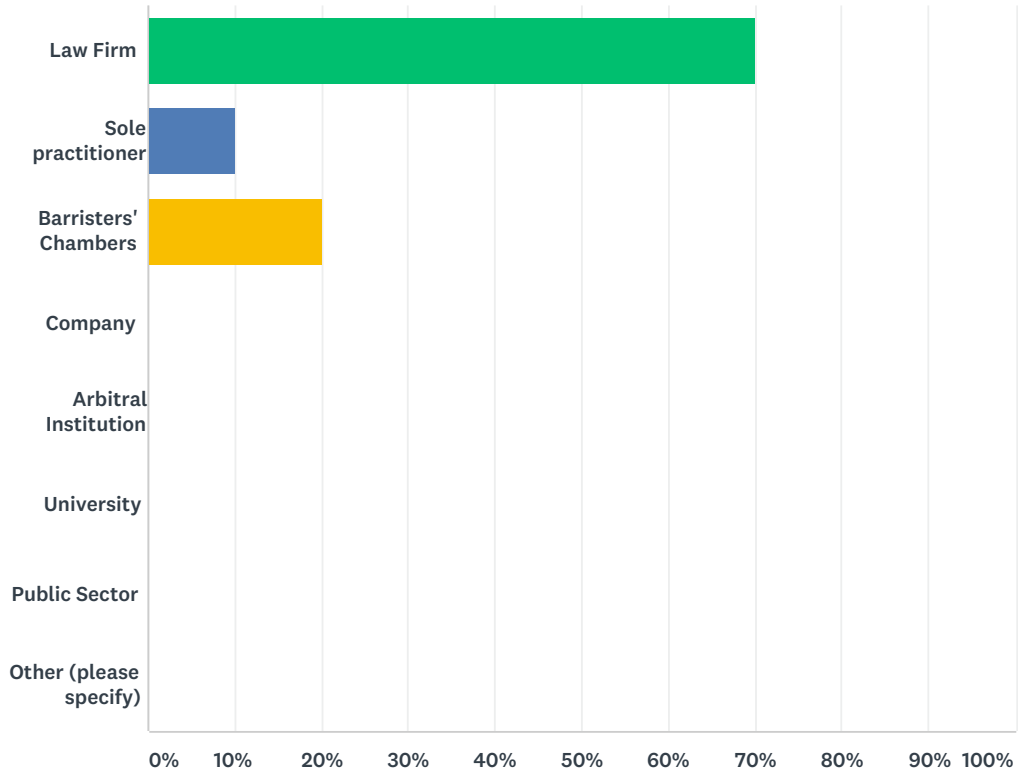


## Survey on the Law and Practice of Arbitration in the Americas

New Brunswick	0.00%	0
Newfoundland and Labrador	0.00%	0
Northwest Territories	0.00%	0
Nova Scotia	0.00%	0
Nunavut	0.00%	0
Ontario	0.00%	0
Prince Edward Island	0.00%	0
Quebec	0.00%	0
Saskatchewan	0.00%	0
Yukon	0.00%	0
<b>TOTAL</b>		<b>10</b>

## Q11 What best describes the entity you work for?

Answered: 10 Skipped: 0

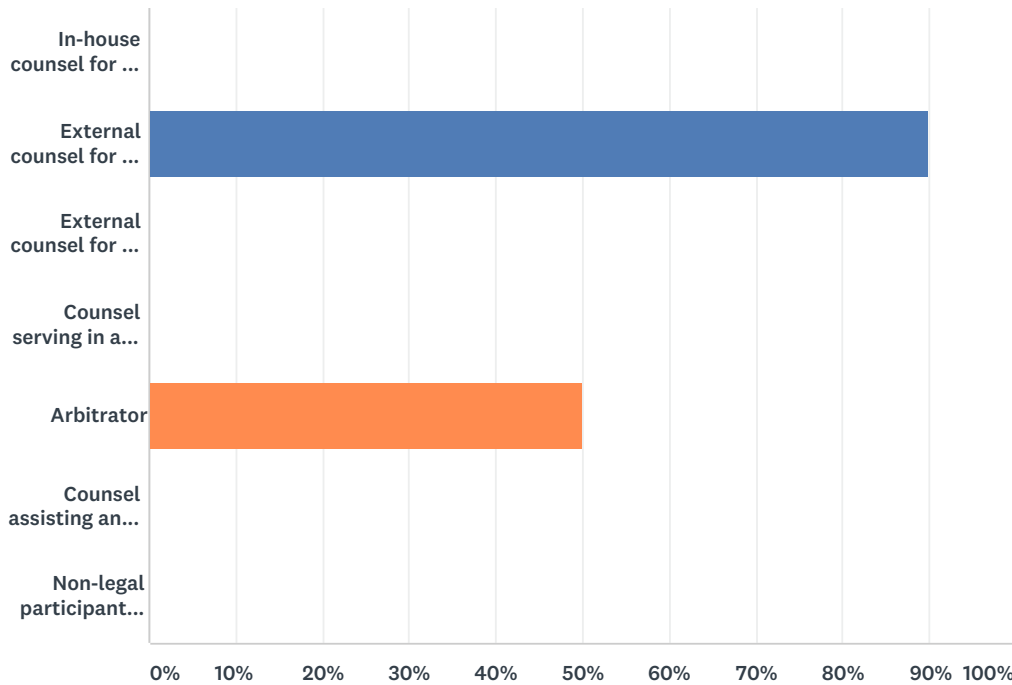


ANSWER CHOICES	RESPONSES
Law Firm	70.00% 7
Sole practitioner	10.00% 1
Barristers' Chambers	20.00% 2
Company	0.00% 0
Arbitral Institution	0.00% 0
University	0.00% 0
Public Sector	0.00% 0
Other (please specify)	0.00% 0
Total Respondents: 10	

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

**Q12 In which of the following role(s) do you currently participate in arbitration? Select all that apply. Note: ‘Participate’ here has an ongoing meaning. For example, select ‘arbitrator’ if you currently serve as an arbitrator, even if at this present moment you have no case in which you are serving as an arbitrator.**

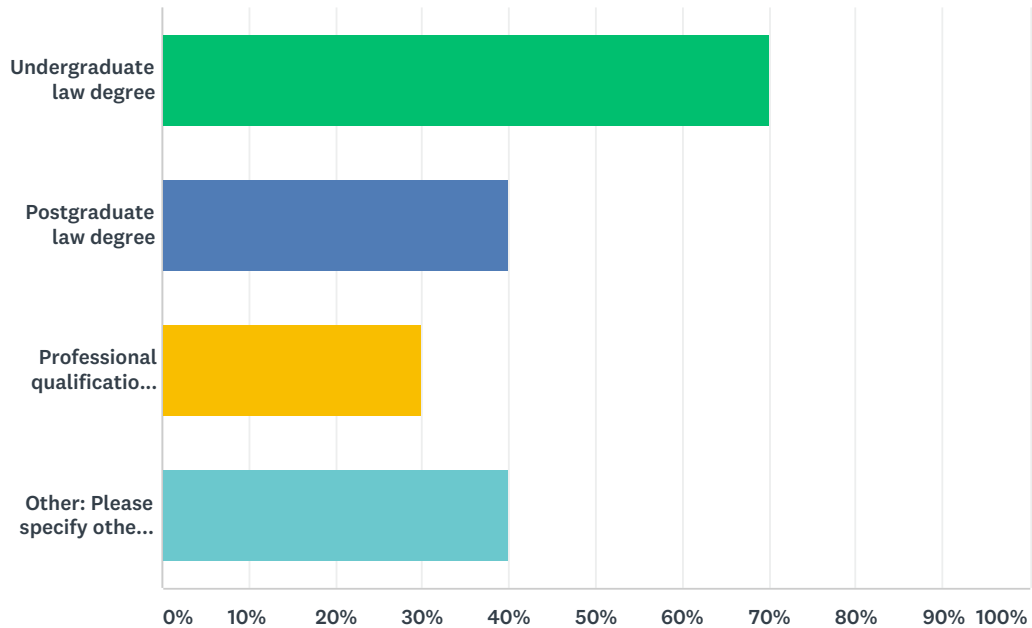
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
In-house counsel for a party	0.00%	0
External counsel for a party (lead counsel)	90.00%	9
External counsel for a party (assisting the lead counsel)	0.00%	0
Counsel serving in an arbitration institution	0.00%	0
Arbitrator	50.00%	5
Counsel assisting an arbitrator	0.00%	0
Non-legal participant (e.g. party or witness)	0.00%	0
Total Respondents: 10		

### Q13 What type of Degree(s) do you hold? Select all that apply.

Answered: 10 Skipped: 0

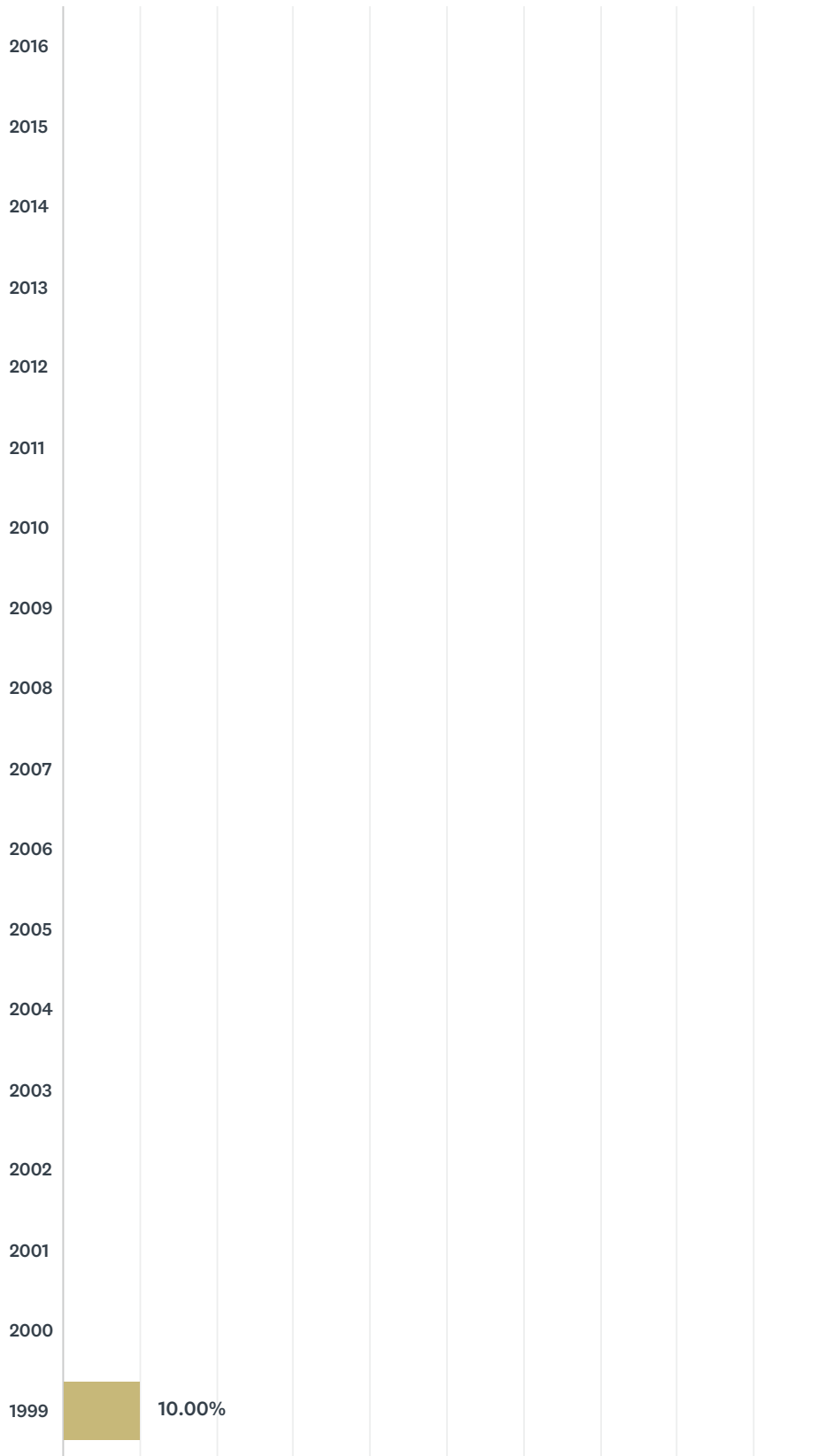


ANSWER CHOICES	RESPONSES
Undergraduate law degree	70.00% 7
Postgraduate law degree	40.00% 4
Professional qualification in law	30.00% 3
Other: Please specify other degrees that you hold (e.g. degree in business, economics, engineering)	40.00% 4
Total Respondents: 10	

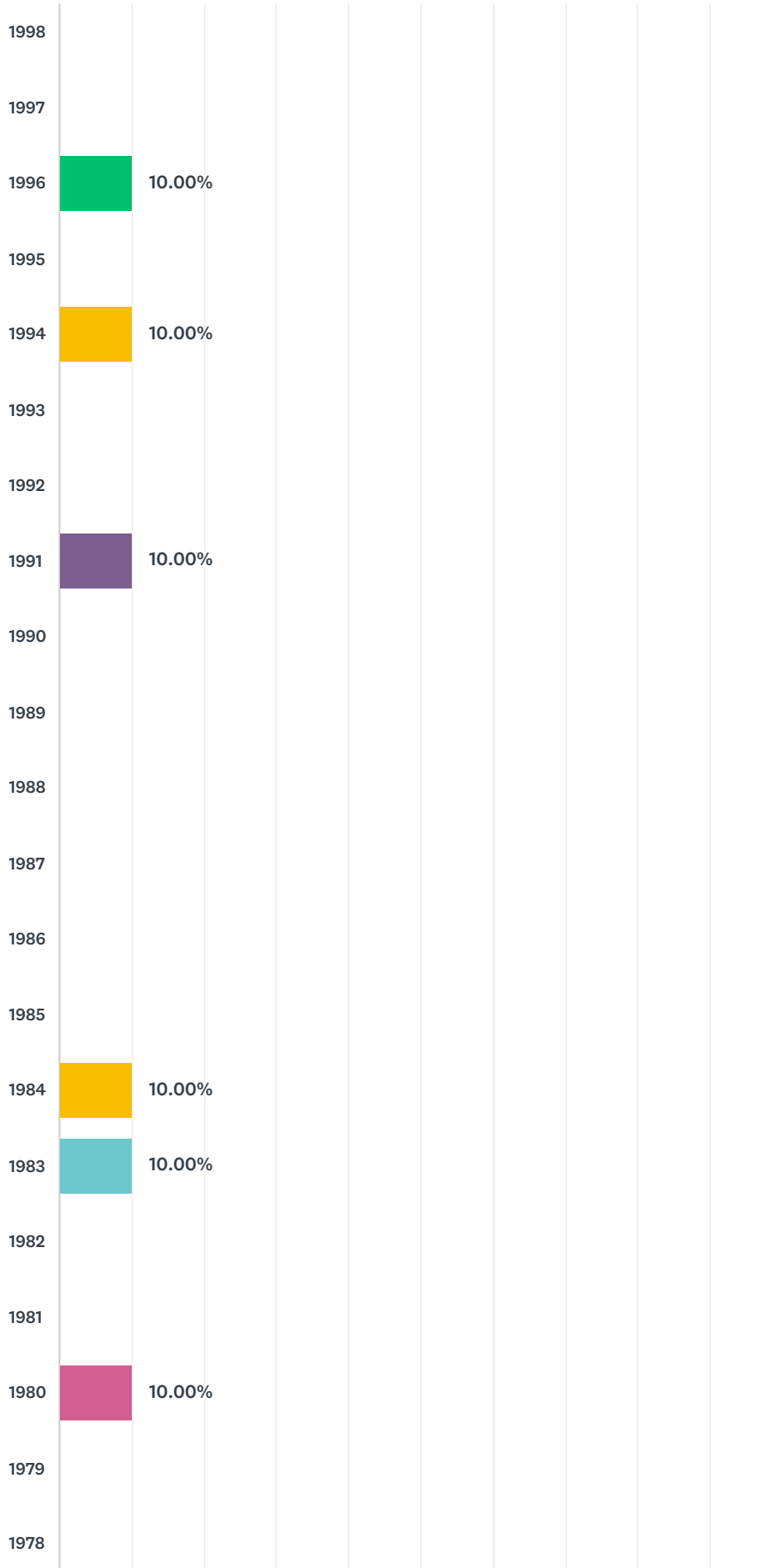
#	OTHER: PLEASE SPECIFY OTHER DEGREES THAT YOU HOLD (E.G. DEGREE IN BUSINESS, ECONOMICS, ENGINEERING)	DATE
1	Bachelor of Business Administration, Juris Doctorate, Master of Laws	4/20/2017 3:21 PM
2	Bachelor of Arts degree	9/9/2016 4:52 PM
3	Bachelor of Arts - History	9/1/2016 10:45 PM
4	BSc in Animal Biology	6/16/2016 9:27 PM

Q14 In what year did you first qualify to practice as a lawyer? Note: If you do not hold a legal qualification please choose N/A

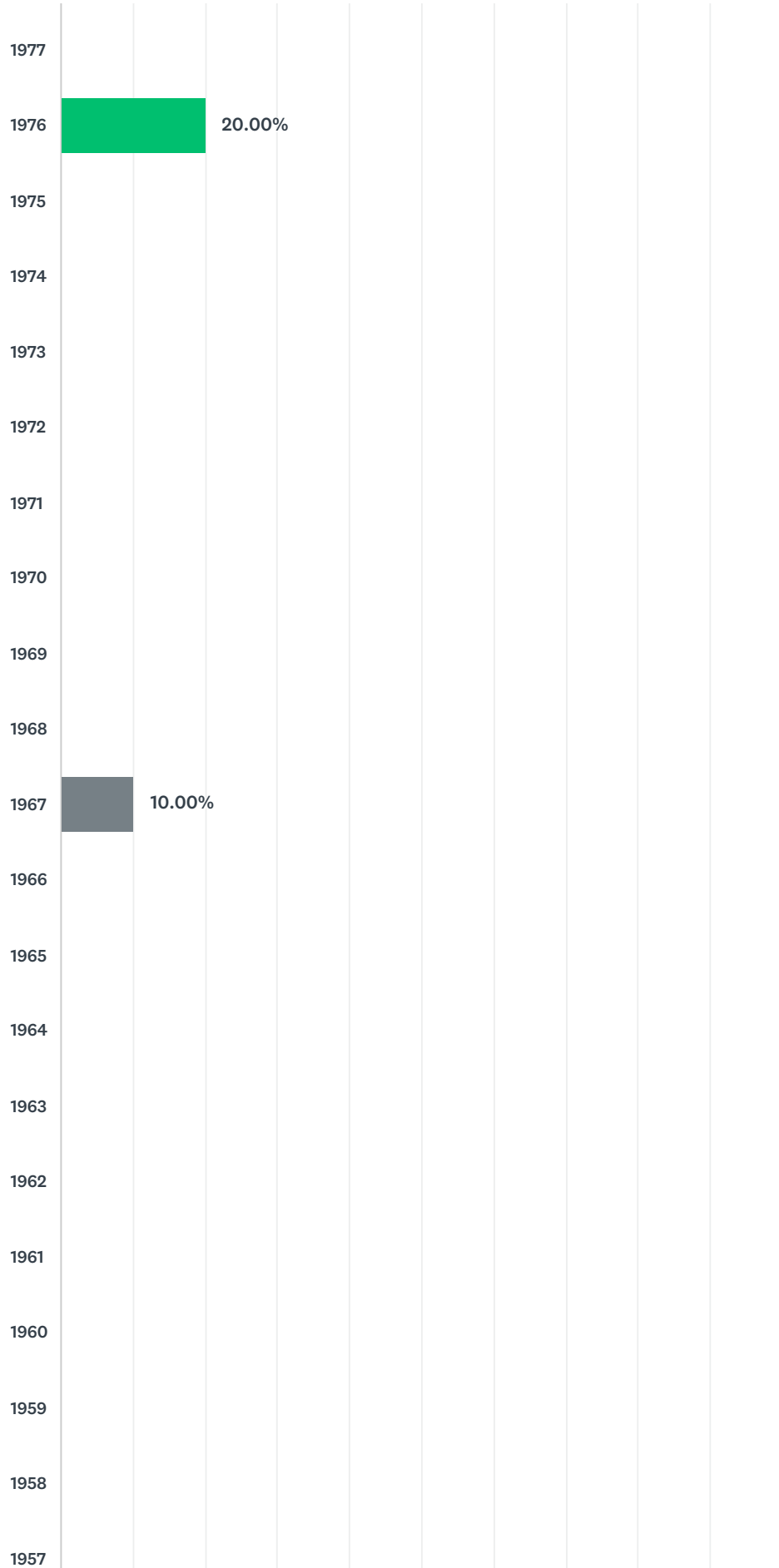
Answered: 10 Skipped: 0



# Survey on the Law and Practice of Arbitration in the Americas



# Survey on the Law and Practice of Arbitration in the Americas



# Survey on the Law and Practice of Arbitration in the Americas

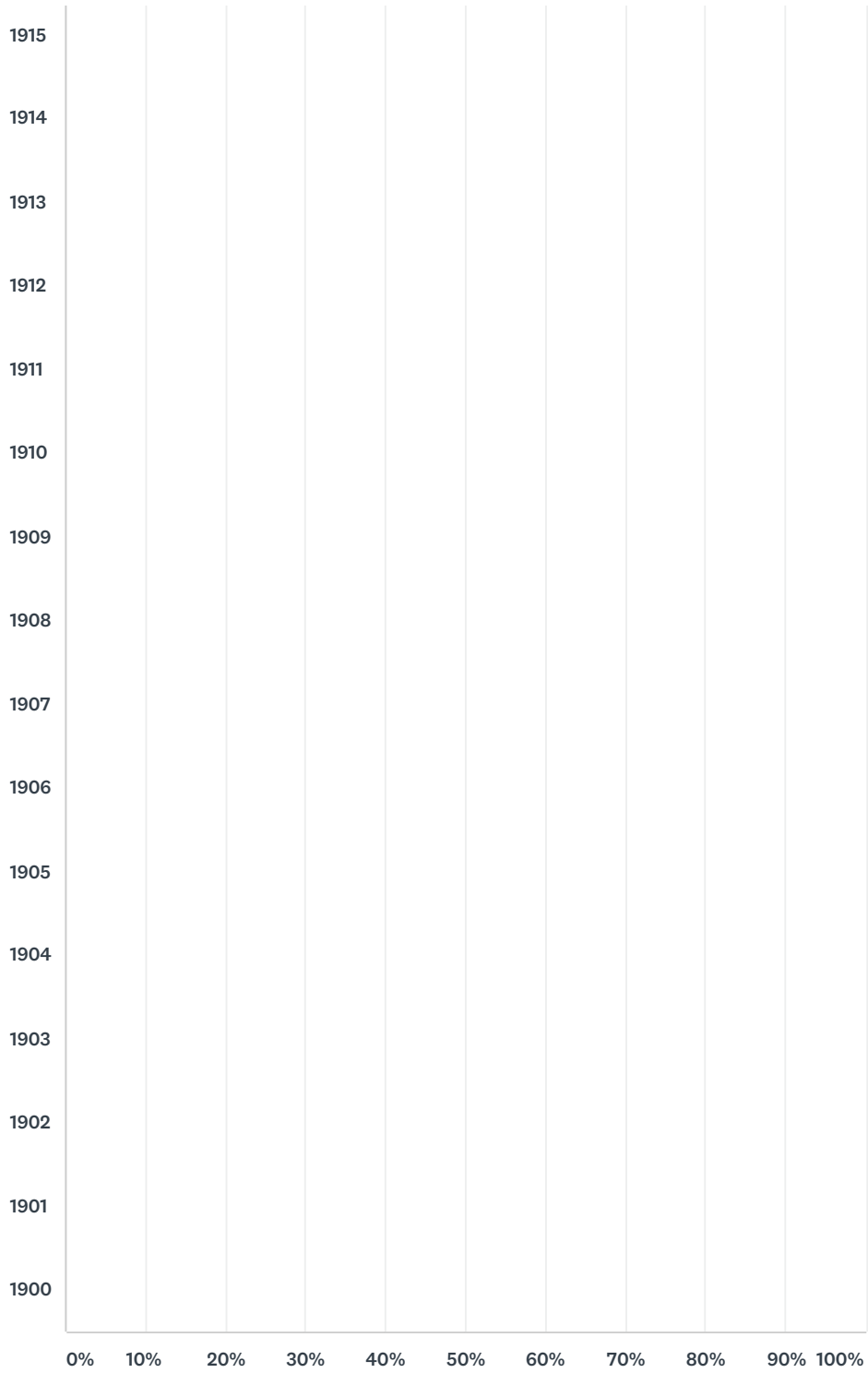
1956  
1955  
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Survey on the Law and Practice of Arbitration in the Americas

1936										
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1920										
1919										
1918										
1917										
1916										

## Survey on the Law and Practice of Arbitration in the Americas



ANSWER CHOICES	RESPONSES	
2016	0.00%	0
2015	0.00%	0
2014	0.00%	0
2013	0.00%	0
2012	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

2011	0.00%	0
2010	0.00%	0
2009	0.00%	0
2008	0.00%	0
2007	0.00%	0
2006	0.00%	0
2005	0.00%	0
2004	0.00%	0
2003	0.00%	0
2002	0.00%	0
2001	0.00%	0
2000	0.00%	0
1999	10.00%	1
1998	0.00%	0
1997	0.00%	0
1996	10.00%	1
1995	0.00%	0
1994	10.00%	1
1993	0.00%	0
1992	0.00%	0
1991	10.00%	1
1990	0.00%	0
1989	0.00%	0
1988	0.00%	0
1987	0.00%	0
1986	0.00%	0
1985	0.00%	0
1984	10.00%	1
1983	10.00%	1
1982	0.00%	0
1981	0.00%	0
1980	10.00%	1
1979	0.00%	0
1978	0.00%	0
1977	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

1976	20.00%	2
1975	0.00%	0
1974	0.00%	0
1973	0.00%	0
1972	0.00%	0
1971	0.00%	0
1970	0.00%	0
1969	0.00%	0
1968	0.00%	0
1967	10.00%	1
1966	0.00%	0
1965	0.00%	0
1964	0.00%	0
1963	0.00%	0
1962	0.00%	0
1961	0.00%	0
1960	0.00%	0
1959	0.00%	0
1958	0.00%	0
1957	0.00%	0
1956	0.00%	0
1955	0.00%	0
1954	0.00%	0
1953	0.00%	0
1952	0.00%	0
1951	0.00%	0
1950	0.00%	0
1949	0.00%	0
1948	0.00%	0
1947	0.00%	0
1946	0.00%	0
1945	0.00%	0
1944	0.00%	0
1943	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

1942	0.00%	0
1941	0.00%	0
1940	0.00%	0
1939	0.00%	0
1938	0.00%	0
1937	0.00%	0
1936	0.00%	0
1935	0.00%	0
1934	0.00%	0
1933	0.00%	0
1932	0.00%	0
1931	0.00%	0
1930	0.00%	0
1929	0.00%	0
1928	0.00%	0
1927	0.00%	0
1926	0.00%	0
1925	0.00%	0
1924	0.00%	0
1923	0.00%	0
1922	0.00%	0
1921	0.00%	0
1920	0.00%	0
1919	0.00%	0
1918	0.00%	0
1917	0.00%	0
1916	0.00%	0
1915	0.00%	0
1914	0.00%	0
1913	0.00%	0
1912	0.00%	0
1911	0.00%	0
1910	0.00%	0
1909	0.00%	0
1908	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

1907	0.00%	0
1906	0.00%	0
1905	0.00%	0
1904	0.00%	0
1903	0.00%	0
1902	0.00%	0
1901	0.00%	0
1900	0.00%	0
TOTAL		10

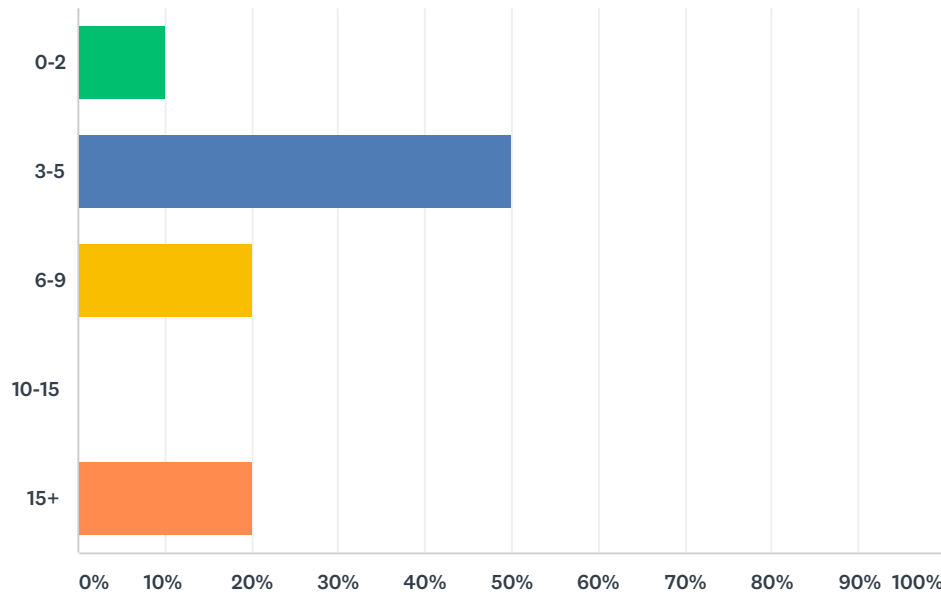
Q15 What jurisdiction(s) are you are allowed to practice in?Note: If you do not hold a legal qualification please enter 'None' in the box below .

Answered: 10 Skipped: 0

#	RESPONSES	DATE
1	Canada (all common-law provinces); England & Wales	4/20/2017 3:21 PM
2	All jurisdictions in Canada	9/9/2016 4:52 PM
3	Alberta with reciprocity in other provinces	9/1/2016 10:45 PM
4	Canada	7/3/2016 5:42 PM
5	Alberta - and currently in Ontario on an occasional appearance basis	6/22/2016 4:22 PM
6	Canada	6/17/2016 6:04 PM
7	Canada	6/16/2016 9:27 PM
8	Alberta	6/16/2016 5:14 PM
9	Alberta, and throughout Canada	6/15/2016 11:53 PM
10	Canada , all provinces	4/7/2016 9:56 PM

**Q16 How many years after first qualifying to practice as a lawyer were you involved in your first arbitration? Note: “0” would mean within 12 months of qualifying as a lawyer. Enter n/a if you do not hold a legal qualification.**

Answered: 10 Skipped: 0

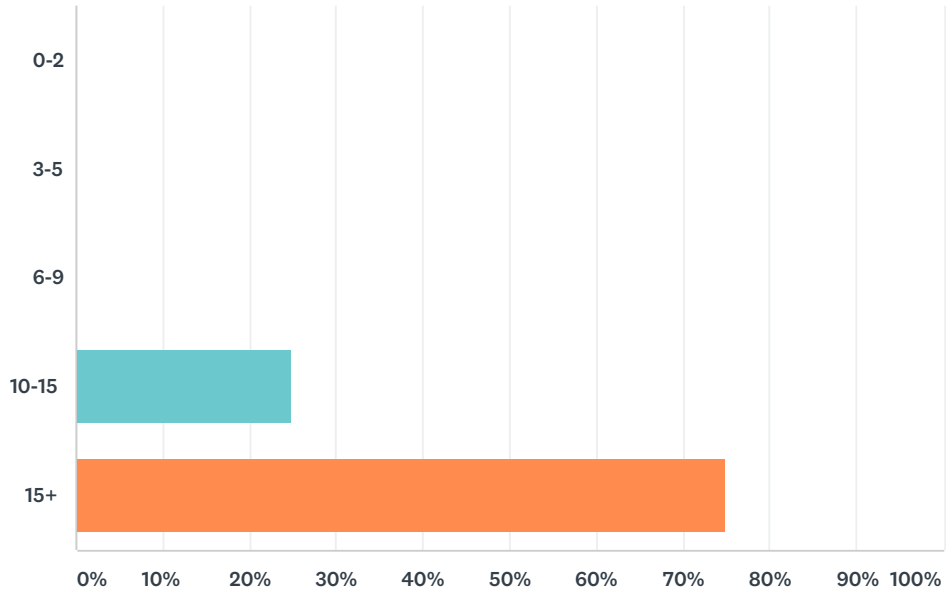


ANSWER CHOICES	RESPONSES	
0-2	10.00%	1
3-5	50.00%	5
6-9	20.00%	2
10-15	0.00%	0
15+	20.00%	2
<b>TOTAL</b>		<b>10</b>



**Q17** If arbitration is your primarily field of work, after how many years of practising law did arbitration become your primary field of work? Note: Enter n/a if arbitration is not your primary field of work.

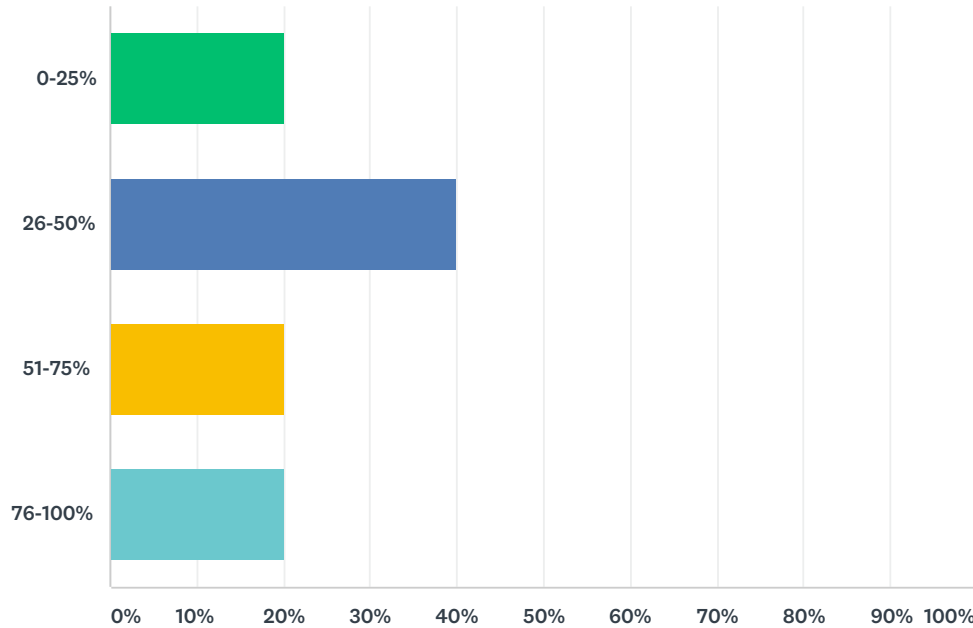
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
0-2	0.00%	0
3-5	0.00%	0
6-9	0.00%	0
10-15	25.00%	1
15+	75.00%	3
<b>TOTAL</b>		<b>4</b>

Q18 In terms of hours worked, what proportion of your work was devoted to arbitration over the past 5 years? Note: 'Work' is defined here to include not only work as counsel, but also as an arbitrator, or in any other field of work (e.g. engineer, scientist).

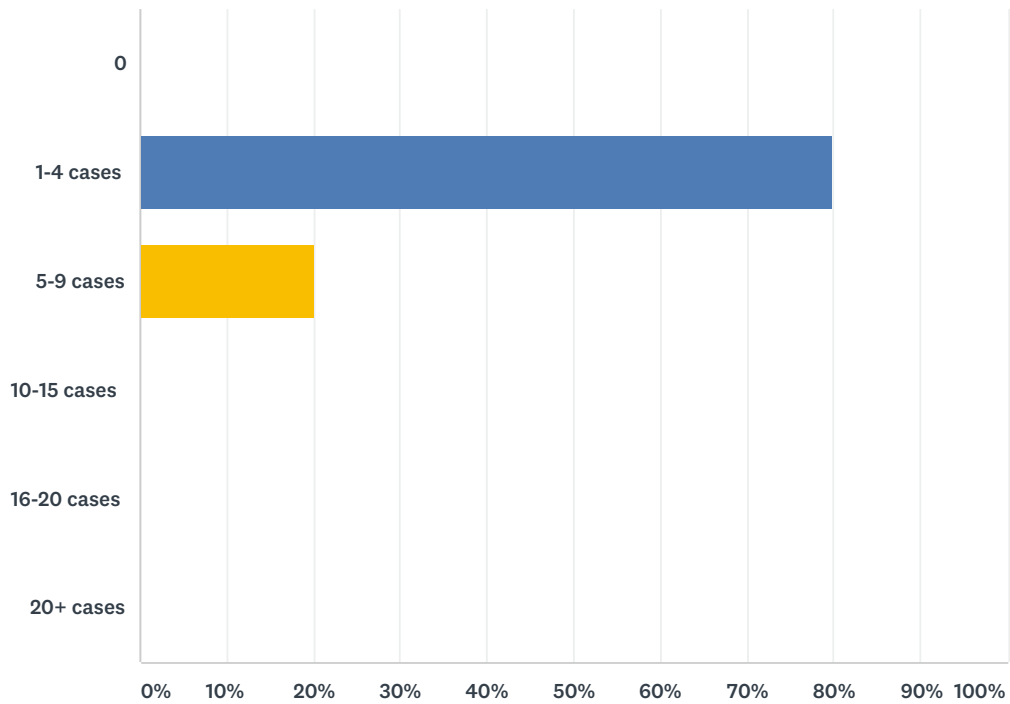
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES
0-25%	20.00% 2
26-50%	40.00% 4
51-75%	20.00% 2
76-100%	20.00% 2
TOTAL	10

### Q19 On average how many new arbitration cases did you take on per year over the past 5 years?

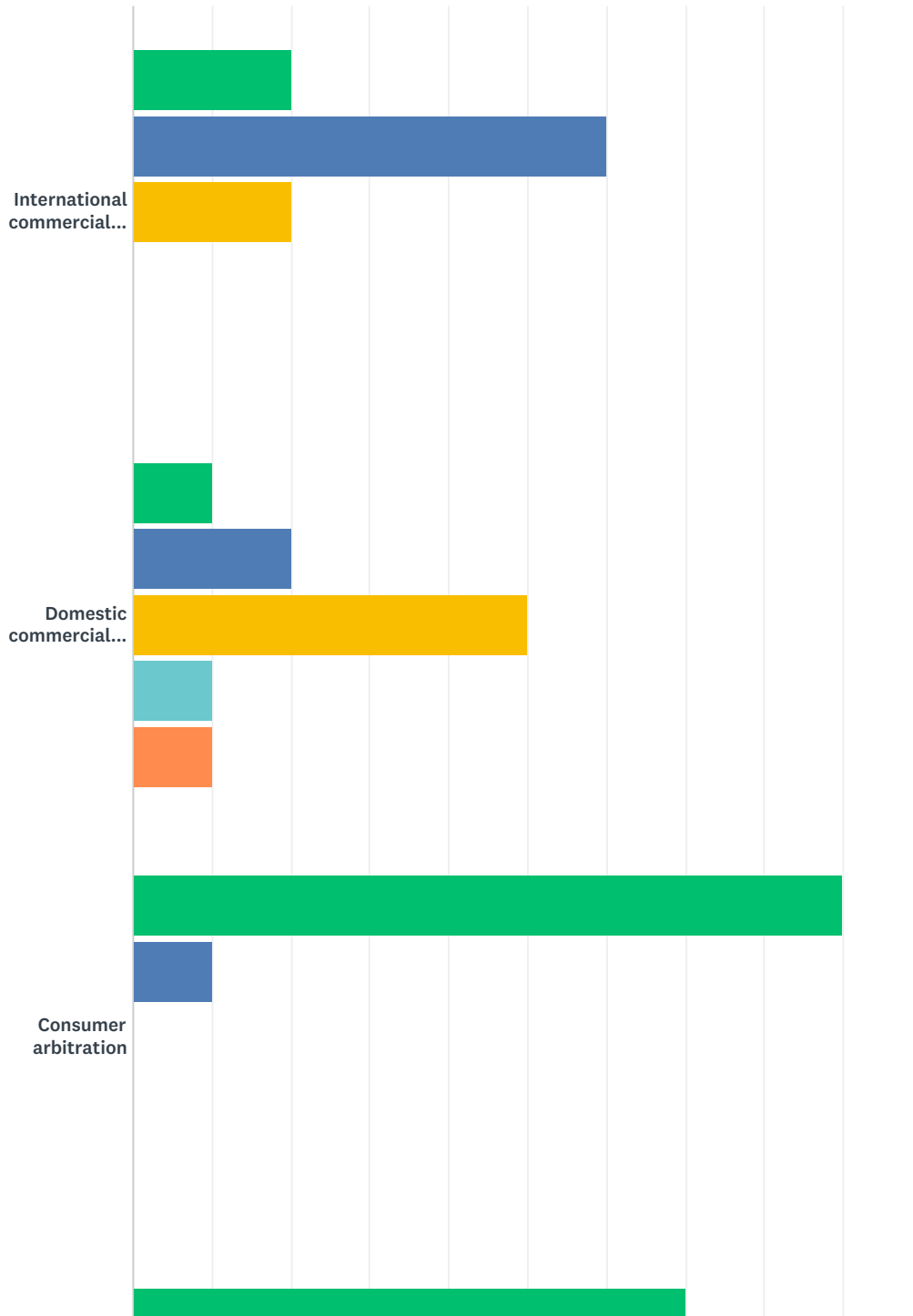
Answered: 10 Skipped: 0



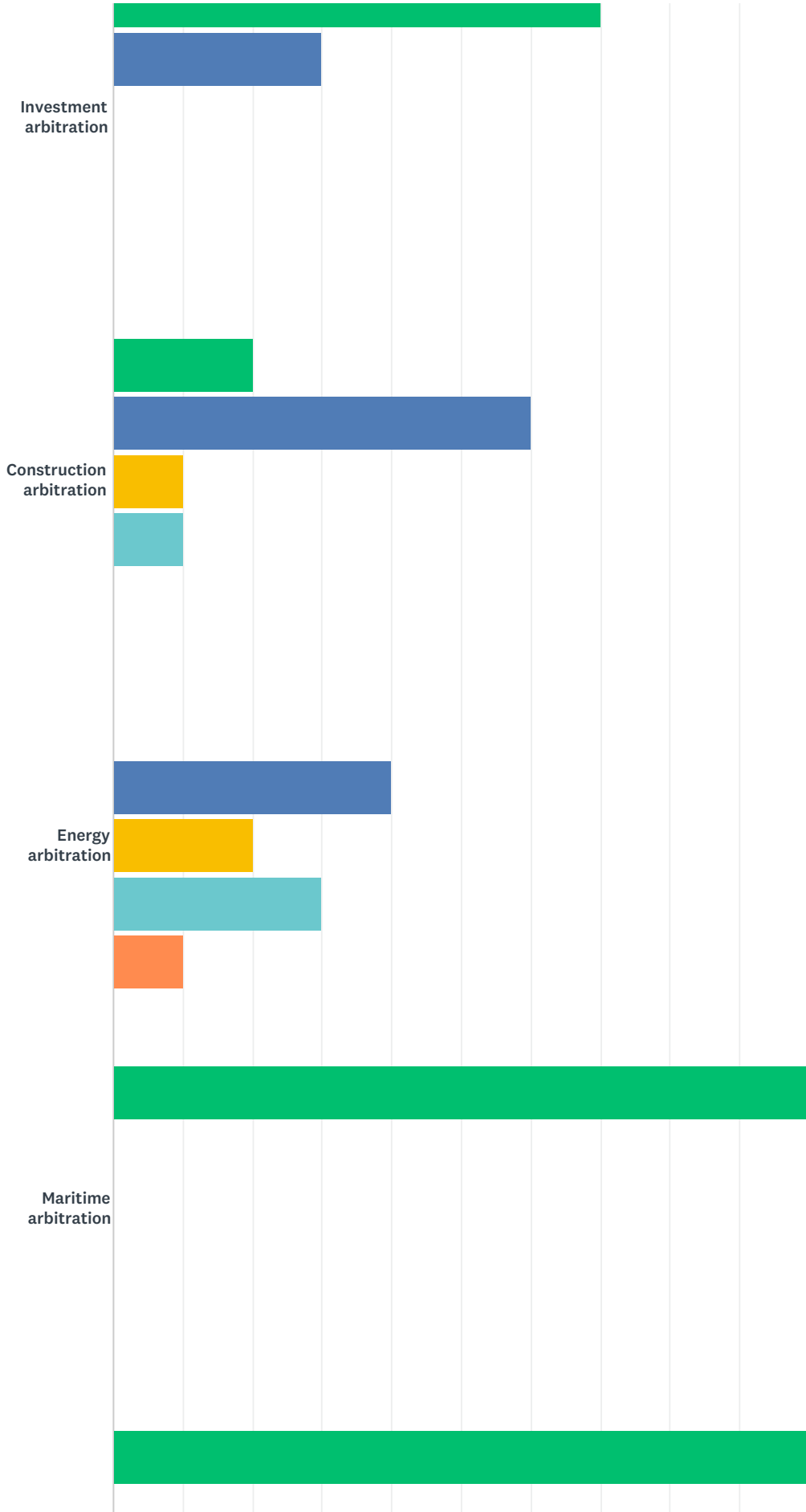
ANSWER CHOICES	RESPONSES	
0	0.00%	0
1-4 cases	80.00%	8
5-9 cases	20.00%	2
10-15 cases	0.00%	0
16-20 cases	0.00%	0
20+ cases	0.00%	0
<b>TOTAL</b>		<b>10</b>

Q20 In terms of hours worked, what percentage of your arbitration work has concerned the following fields over the past 5 years? Note: The following fields will in some cases overlap. For example, an international construction arbitration should be counted as both an 'international commercial arbitration' and a 'construction arbitration'. If you have not undertaken any work for a particular category, please select 0.

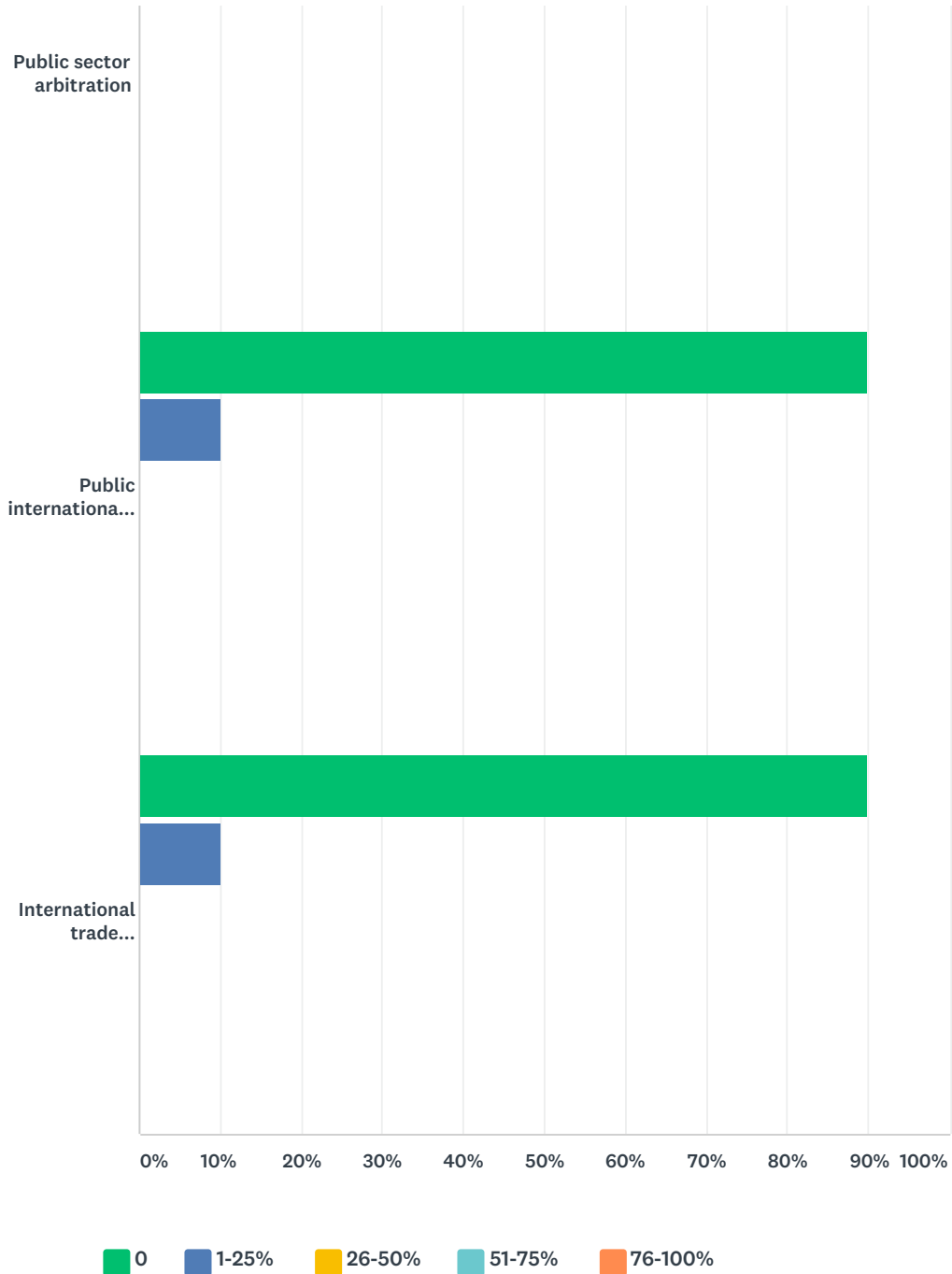
Answered: 10 Skipped: 0



# Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas



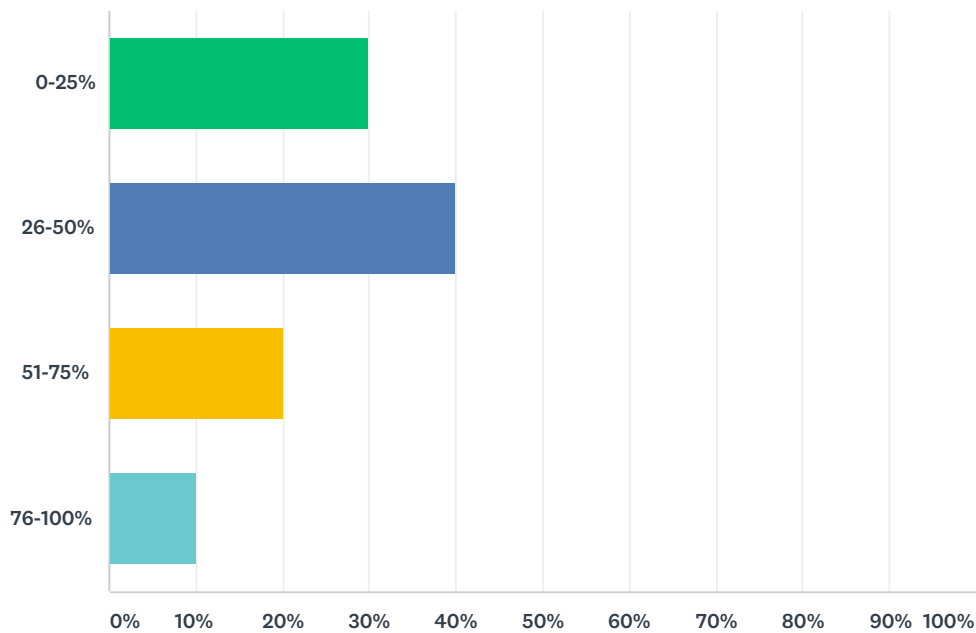
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
International commercial arbitration ('international' is defined as per Article 1(3) of the UNCITRAL Model Law on International Commercial Arbitration)	20.00% 2	60.00% 6	20.00% 2	0.00% 0	0.00% 0	10
Domestic commercial arbitration	10.00% 1	20.00% 2	50.00% 5	10.00% 1	10.00% 1	10
Consumer arbitration	90.00% 9	10.00% 1	0.00% 0	0.00% 0	0.00% 0	10
Investment arbitration	70.00% 7	30.00% 3	0.00% 0	0.00% 0	0.00% 0	10
Construction arbitration	20.00% 2	60.00% 6	10.00% 1	10.00% 1	0.00% 0	10

## Survey on the Law and Practice of Arbitration in the Americas

Energy arbitration	0.00% 0	40.00% 4	20.00% 2	30.00% 3	10.00% 1	10
Maritime arbitration	100.00% 10	0.00% 0	0.00% 0	0.00% 0	0.00% 0	10
Public sector arbitration	100.00% 10	0.00% 0	0.00% 0	0.00% 0	0.00% 0	10
Public international arbitration (i.e. where both parties are Countries)	90.00% 9	10.00% 1	0.00% 0	0.00% 0	0.00% 0	10
International trade arbitration (e.g WTO)	90.00% 9	10.00% 1	0.00% 0	0.00% 0	0.00% 0	10

**Q21** Based on your professional experience, what proportion of contracts between domestic commercial entities situated in your Country, entered into in the past 5 years, do you estimate include an arbitration agreement? Note: This question specifically excludes agreements involving consumers and agreements involving Countries acting in their capacity as sovereigns. By “domestic commercial entity” is meant a company or individual whose “place of business” most closely tied to the transaction covered by the contract is located in your Country.

Answered: 10 Skipped: 0

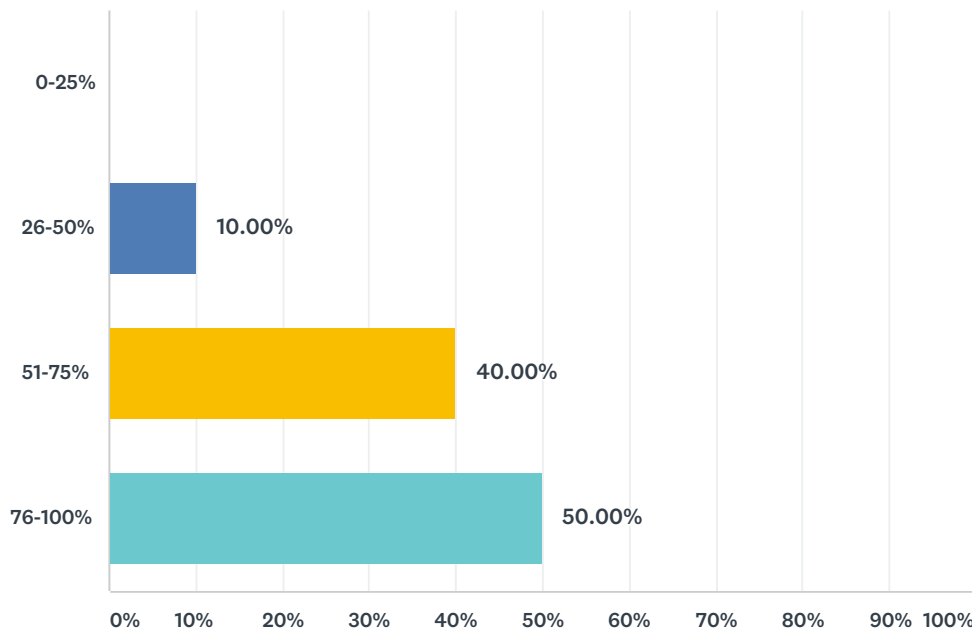


ANSWER CHOICES	RESPONSES	
0-25%	30.00%	3
26-50%	40.00%	4
51-75%	20.00%	2
76-100%	10.00%	1
<b>TOTAL</b>		<b>10</b>



**Q22** Based on your professional experience, what proportion of contracts between a domestic commercial entity situated in your Country and a foreign commercial entity, entered into in the past 5 years, do you estimate included an arbitration agreement? Note: This question specifically excludes agreements involving consumers and agreements involving Countries acting in their capacity as sovereigns. By “foreign commercial entity” is meant a company or individual whose “place of business” most closely tied to the transaction covered by the contract is located in a Country other than your own.

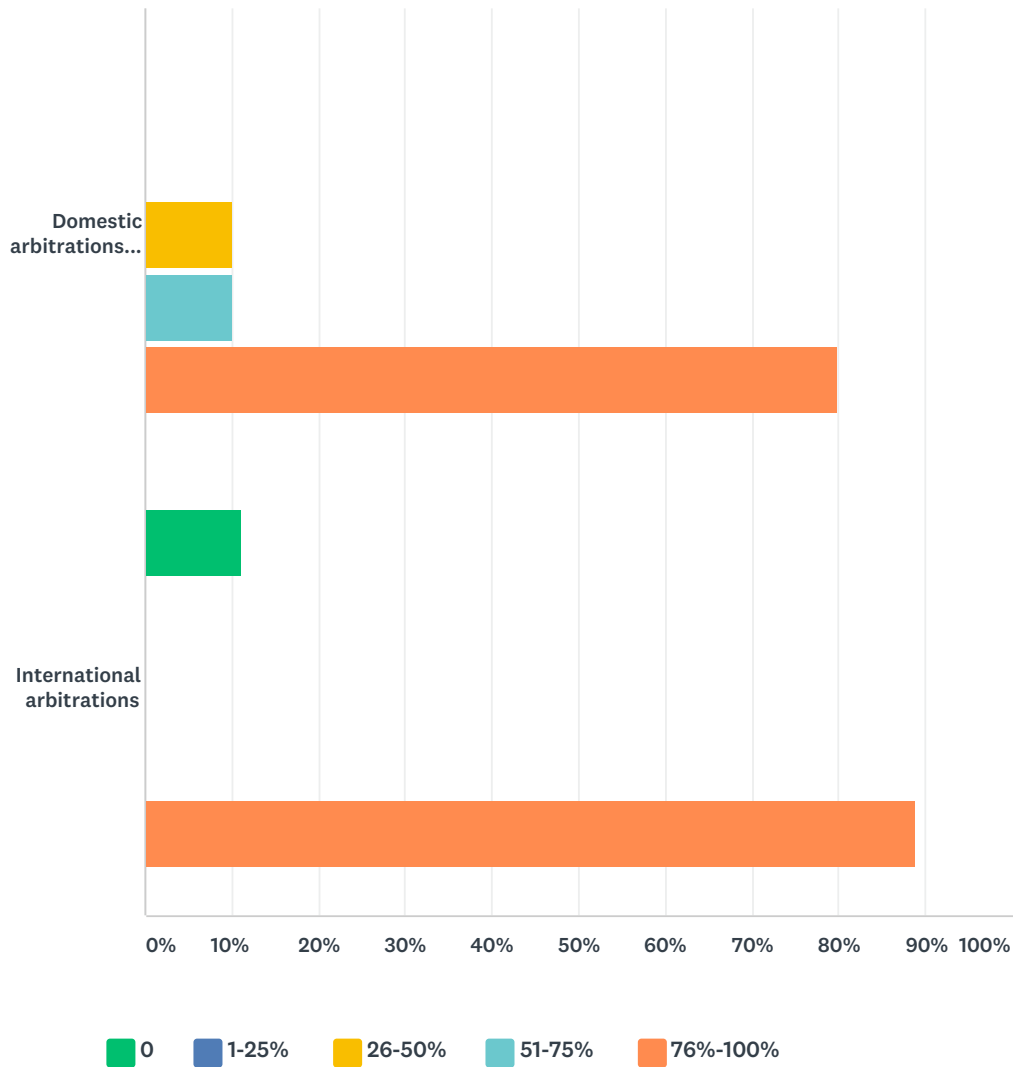
Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
0-25%	0.00%	0
26-50%	10.00%	1
51-75%	40.00%	4
76-100%	50.00%	5
<b>TOTAL</b>		<b>10</b>

**Q23** In arbitrations on which you have worked over the past 5 years, what percentage were based upon a predispute arbitration agreement? Note: Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.

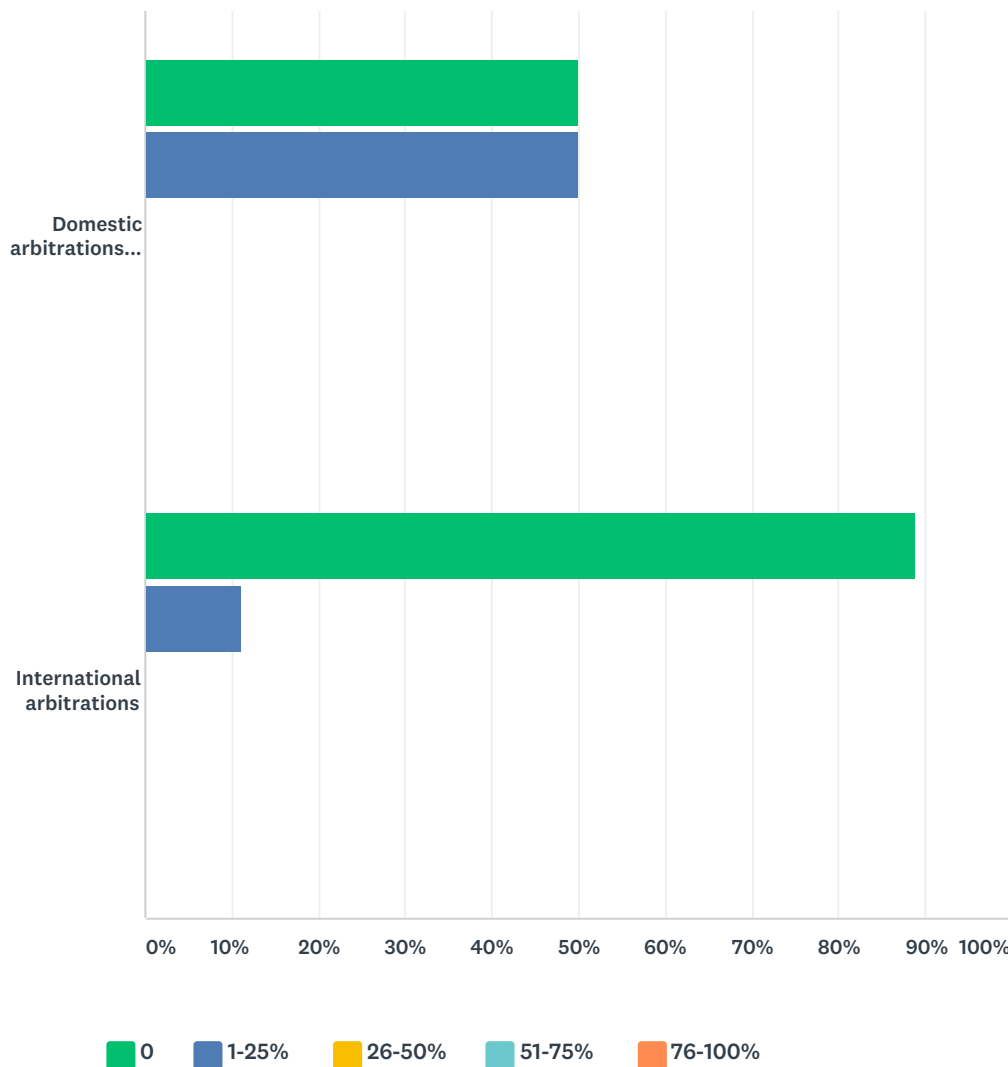
Answered: 10 Skipped: 0



	0	1-25%	26-50%	51-75%	76%-100%	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	0.00% 0	10.00% 1	10.00% 1	80.00% 8	10
International arbitrations	11.11% 1	0.00% 0	0.00% 0	0.00% 0	88.89% 8	9

**Q24 In what percentage of the arbitrations on which you worked over the past 5 years was the validity of the arbitration agreement challenged?**  
**Note: This question relates to challenges to the existence of a binding agreement to arbitrate between the parties involved in the arbitration, not to challenges regarding whether an existing agreement to arbitrate covered the specific subject matter currently before the tribunal. Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.**

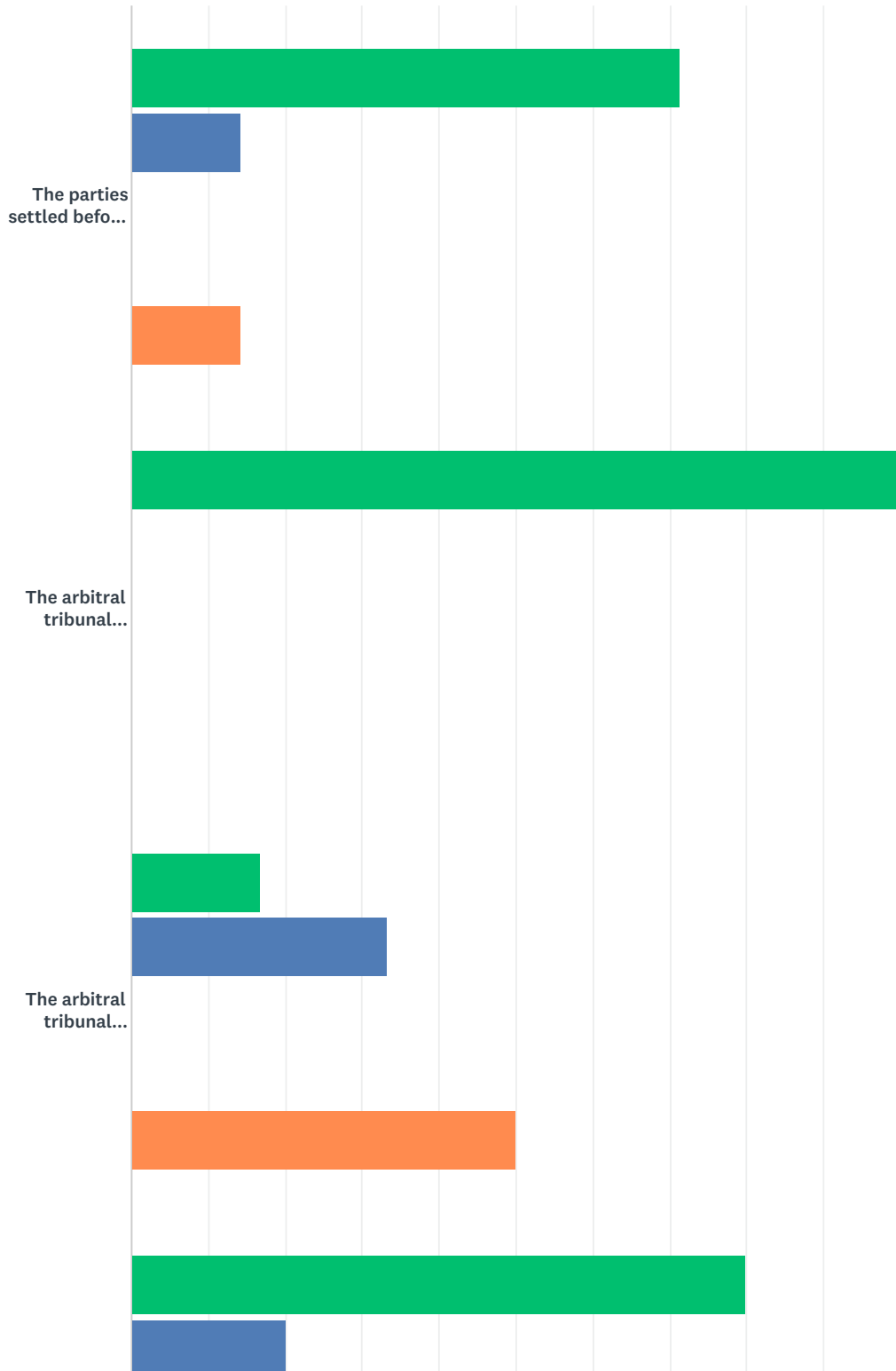
Answered: 10 Skipped: 0



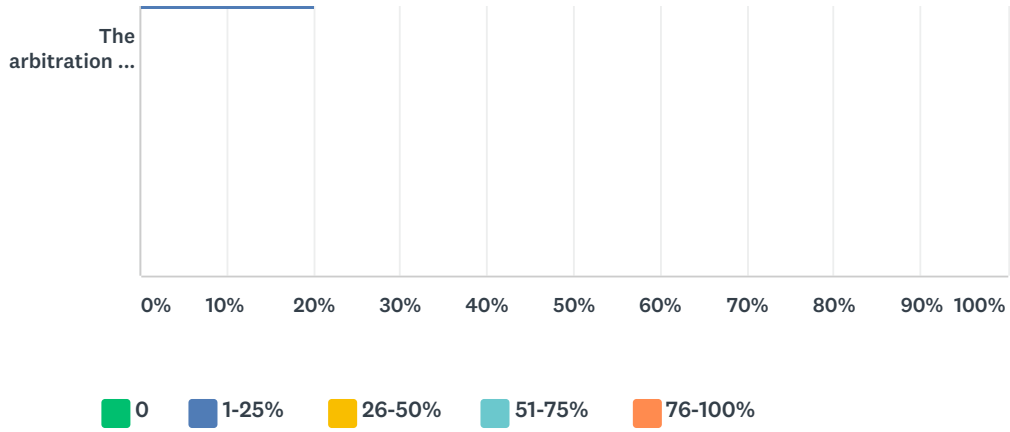
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	50.00% 5	50.00% 5	0.00% 0	0.00% 0	0.00% 0	10
International arbitrations	88.89% 8	11.11% 1	0.00% 0	0.00% 0	0.00% 0	9

**Q25** In what percentage of those domestic arbitrations in which a challenge was made to the validity of an arbitration agreement did the following occur? Note: Enter n/a if you entered 0 for domestic arbitrations in the preceding question.

Answered: 10 Skipped: 0



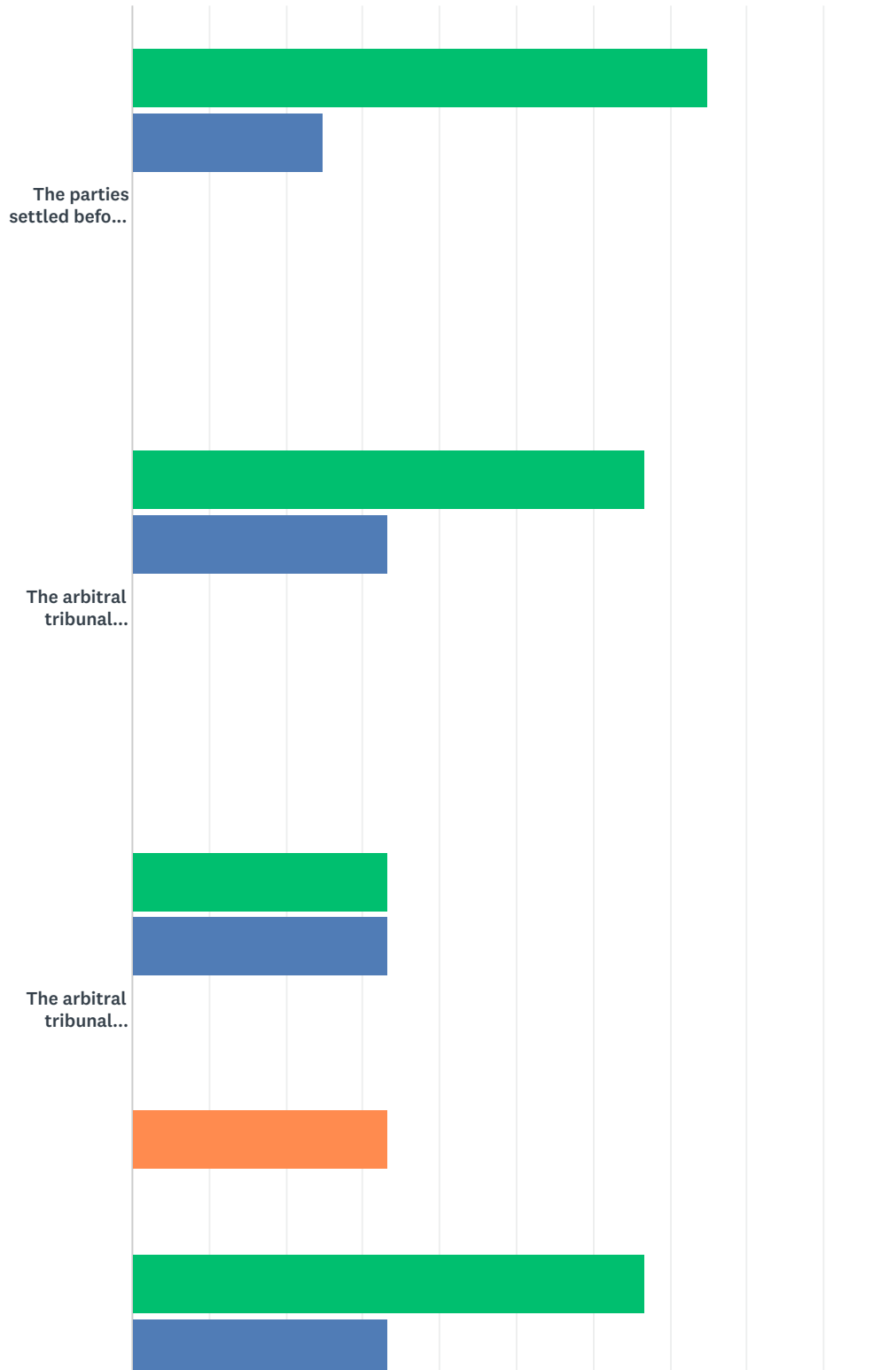
## Survey on the Law and Practice of Arbitration in the Americas



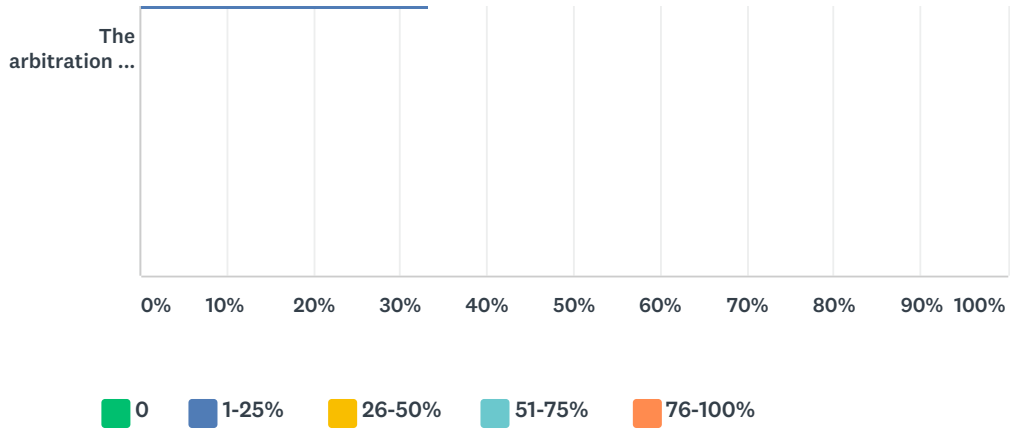
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	71.43% 5	14.29% 1	0.00% 0	0.00% 0	14.29% 1	7
The arbitral tribunal declined jurisdiction because of a finding that no valid arbitration agreement existed.	100.00% 6	0.00% 0	0.00% 0	0.00% 0	0.00% 0	6
The arbitral tribunal accepted jurisdiction because of a finding that a valid arbitration agreement existed.	16.67% 1	33.33% 2	0.00% 0	0.00% 0	50.00% 3	6
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	80.00% 4	20.00% 1	0.00% 0	0.00% 0	0.00% 0	5

Q26 In what percentage of those international arbitrations in which a challenge was made to the validity of an arbitration agreement did the following occur? Note: Enter n/a if you entered 0 for international arbitrations in the first question on this page.

Answered: 10 Skipped: 0



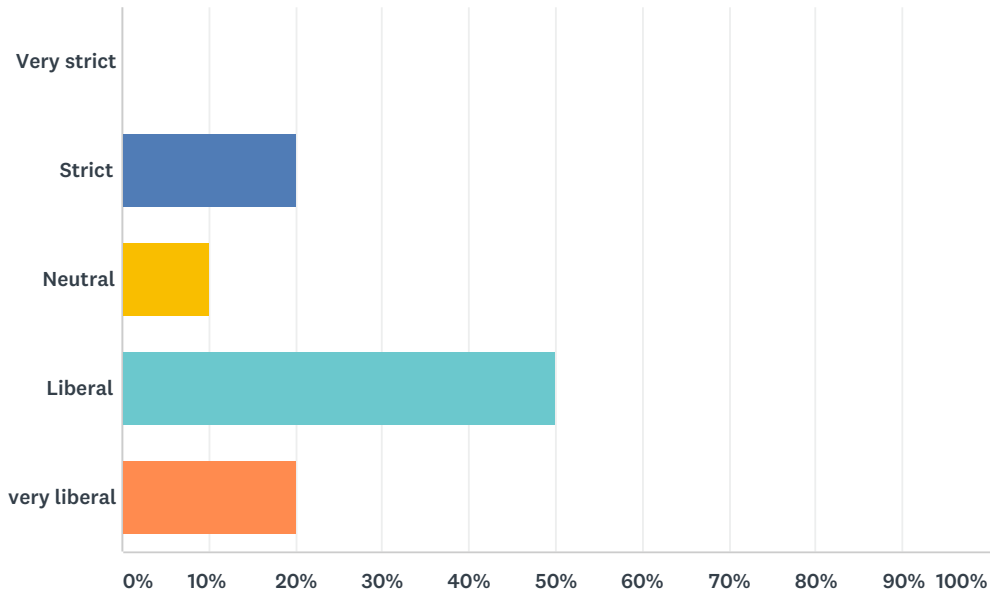
## Survey on the Law and Practice of Arbitration in the Americas



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	75.00% 3	25.00% 1	0.00% 0	0.00% 0	0.00% 0	4
The arbitral tribunal declined jurisdiction because of a finding that no valid arbitration agreement existed.	66.67% 2	33.33% 1	0.00% 0	0.00% 0	0.00% 0	3
The arbitral tribunal accepted jurisdiction because of a finding that a valid arbitration agreement existed.	33.33% 1	33.33% 1	0.00% 0	0.00% 0	33.33% 1	3
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	66.67% 2	33.33% 1	0.00% 0	0.00% 0	0.00% 0	3

**Q27 How would you describe the strictness of the courts of your Country in interpreting the validity of arbitration agreements? Note: For the purposes of this question, a “very strict” court will hold arbitration agreements invalid if they include even minor technical problems. A “very liberal” court will hold arbitration agreements to be valid despite clear formal errors, so long as it is clear that consent to arbitrate in some form exists.**

Answered: 10 Skipped: 0

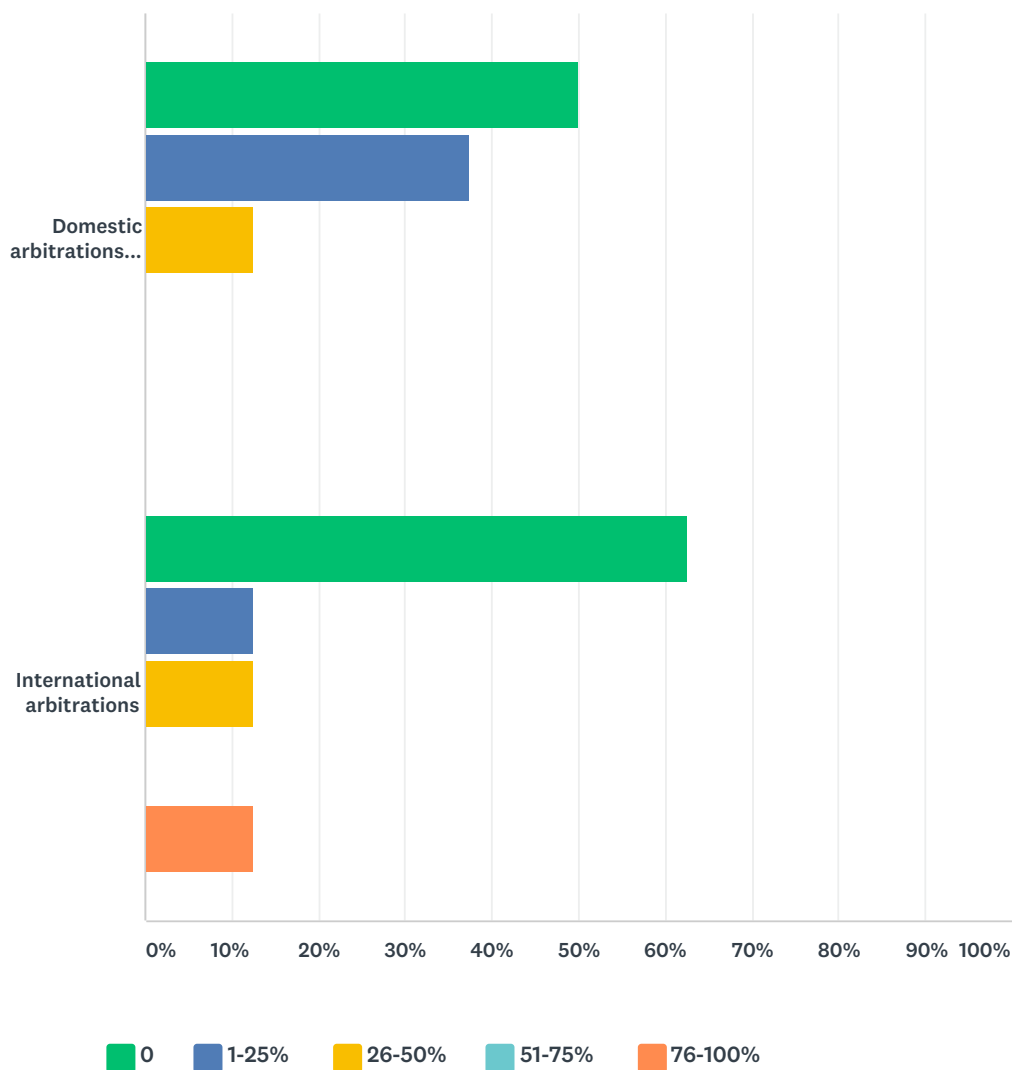


ANSWER CHOICES	RESPONSES	
Very strict	0.00%	0
Strict	20.00%	2
Neutral	10.00%	1
Liberal	50.00%	5
very liberal	20.00%	2
<b>TOTAL</b>		<b>10</b>



Q28 In what percentage of the arbitrations on which you have worked over the past 5 years was a challenge made to the jurisdiction of the arbitral tribunal based on the scope of the arbitration agreement? Note: This question includes any challenge that would require the tribunal to decline jurisdiction over all or part of the claim submitted to arbitration despite the existence of a valid arbitration agreement. It includes, therefore, challenges alleging that an existing arbitration agreement does not cover the specific subject matter under dispute; challenges on any other ground that would require the tribunal to fully or partially decline jurisdiction despite the existence of a valid arbitration agreement. Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.

Answered: 8 Skipped: 2



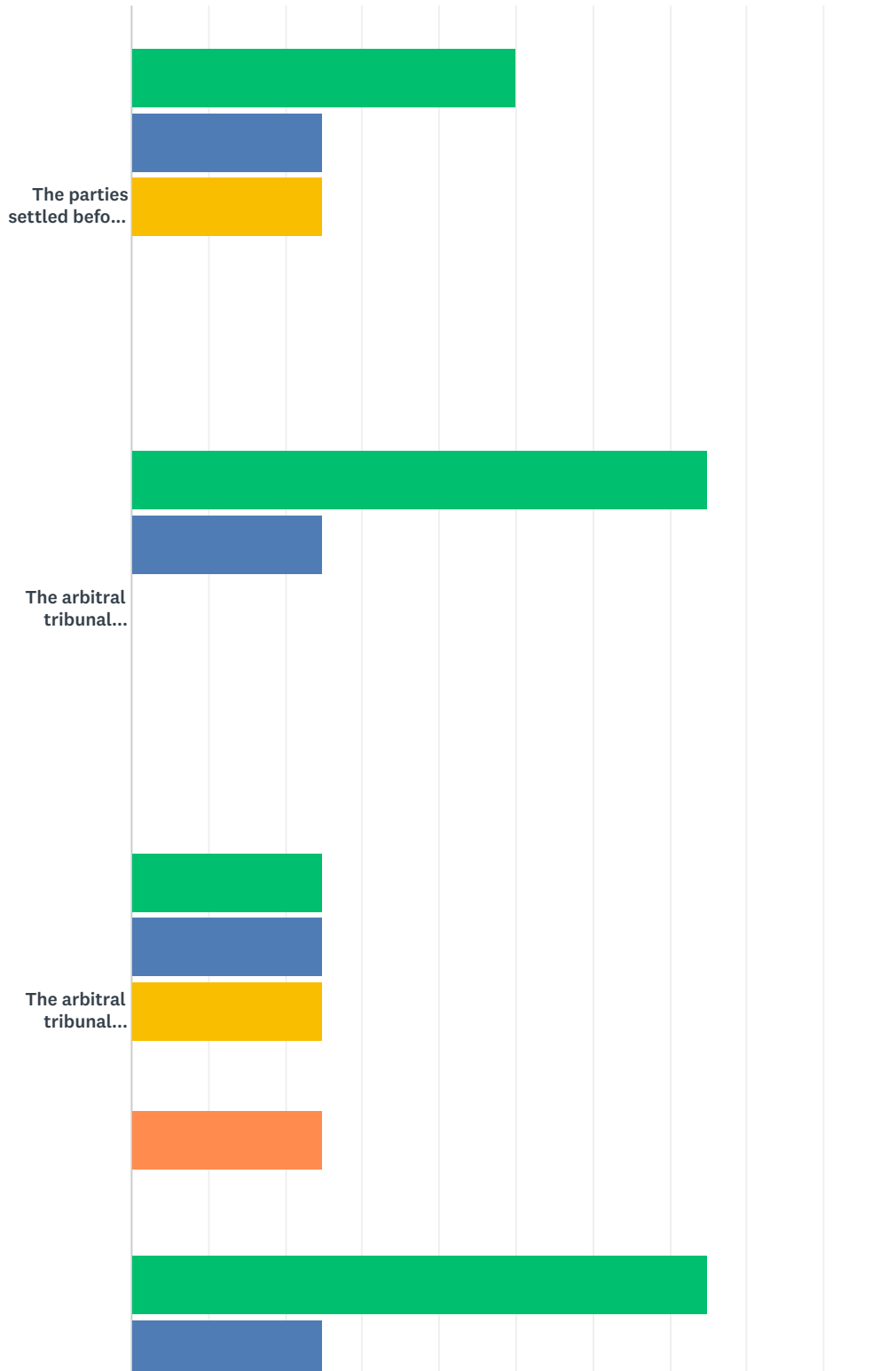
	0	1-25%	26-50%	51-75%	76-100%	TOTAL

## Survey on the Law and Practice of Arbitration in the Americas

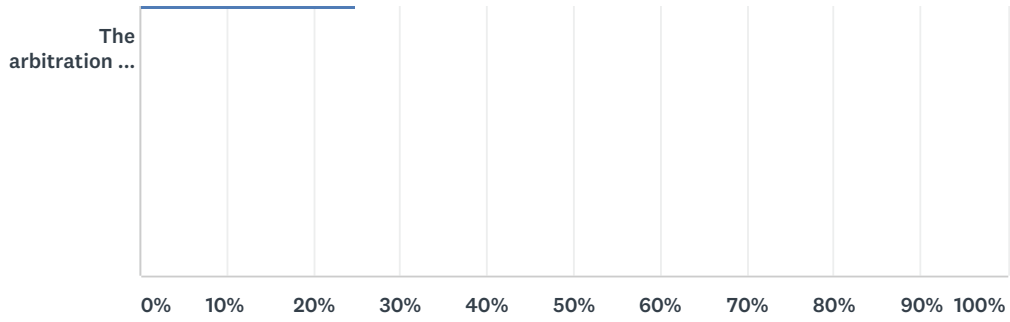
Domestic arbitrations seated in your Country	50.00%	37.50%	12.50%	0.00%	0.00%	
	4	3	1	0	0	8
International arbitrations	62.50%	12.50%	12.50%	0.00%	12.50%	
	5	1	1	0	1	8

Q29 In what percentage of those domestic arbitrations in which a challenge was made to the jurisdiction of the arbitral tribunal did the following occur? Note: Select n/a if you entered 0 for domestic arbitrations in the preceding question.

Answered: 8 Skipped: 2



## Survey on the Law and Practice of Arbitration in the Americas

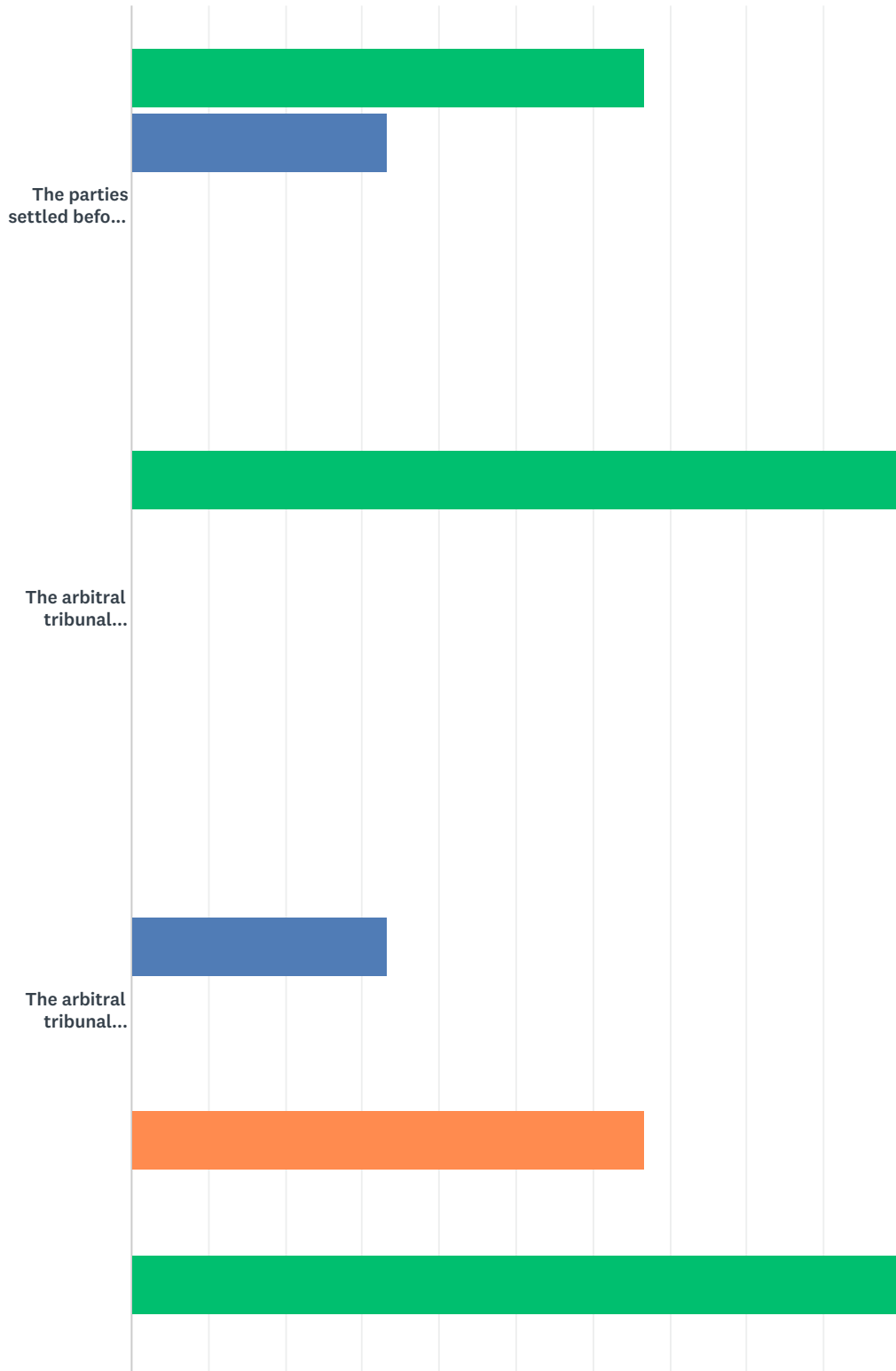


■ 0    
 ■ 1-25%    
 ■ 26-50%    
 ■ 51-75%    
 ■ 76-100%

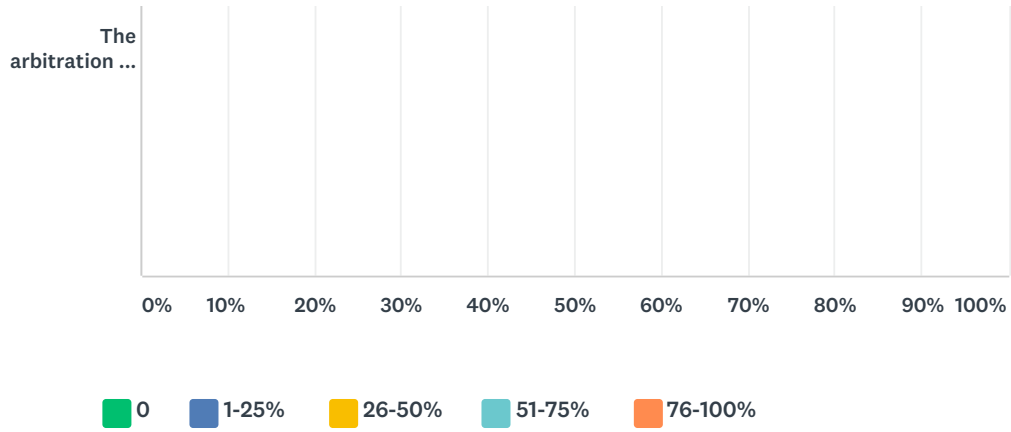
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	50.00% 2	25.00% 1	25.00% 1	0.00% 0	0.00% 0	4
The arbitral tribunal declined jurisdiction over at least one element of the claim.	75.00% 3	25.00% 1	0.00% 0	0.00% 0	0.00% 0	4
The arbitral tribunal accepted jurisdiction over all elements of the claim.	25.00% 1	25.00% 1	25.00% 1	0.00% 0	25.00% 1	4
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	75.00% 3	25.00% 1	0.00% 0	0.00% 0	0.00% 0	4

Q30 In what percentage of those international arbitrations in which a challenge was made to the jurisdiction of the arbitral tribunal did the following occur? Note: Select n/a if you entered 0 for international arbitrations in the first question on this page.

Answered: 8 Skipped: 2



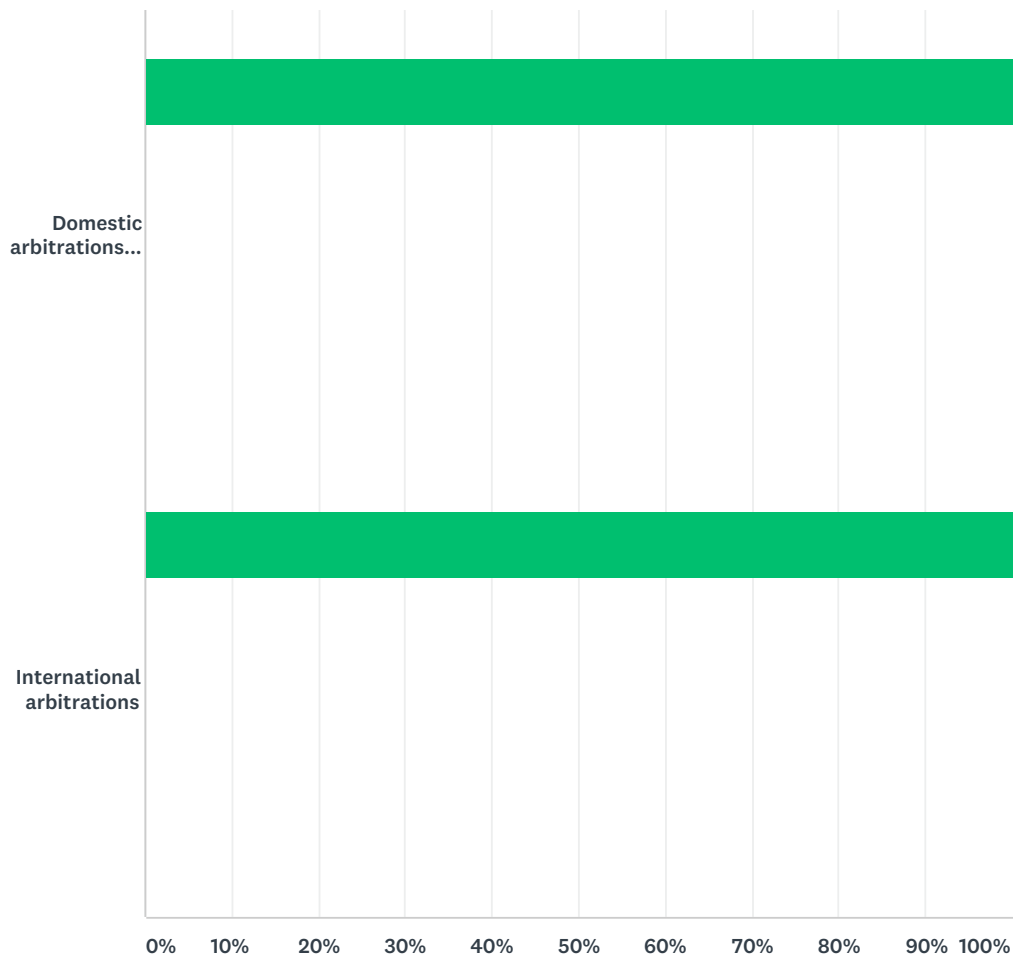
## Survey on the Law and Practice of Arbitration in the Americas



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	66.67% 2	33.33% 1	0.00% 0	0.00% 0	0.00% 0	3
The arbitral tribunal declined jurisdiction over at least one element of the claim.	100.00% 3	0.00% 0	0.00% 0	0.00% 0	0.00% 0	3
The arbitral tribunal accepted jurisdiction over all elements of the claim.	0.00% 0	33.33% 1	0.00% 0	0.00% 0	66.67% 2	3
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	100.00% 3	0.00% 0	0.00% 0	0.00% 0	0.00% 0	3

**Q31 In what percentage of those arbitrations in which a challenge was made to the jurisdiction of the arbitral tribunal alleging that the tribunal had no jurisdiction at all did the arbitral tribunal fully decline jurisdiction?**  
 Note: Select n/a for a category if you entered 0 for that category in the first question on this page.

Answered: 8 Skipped: 2

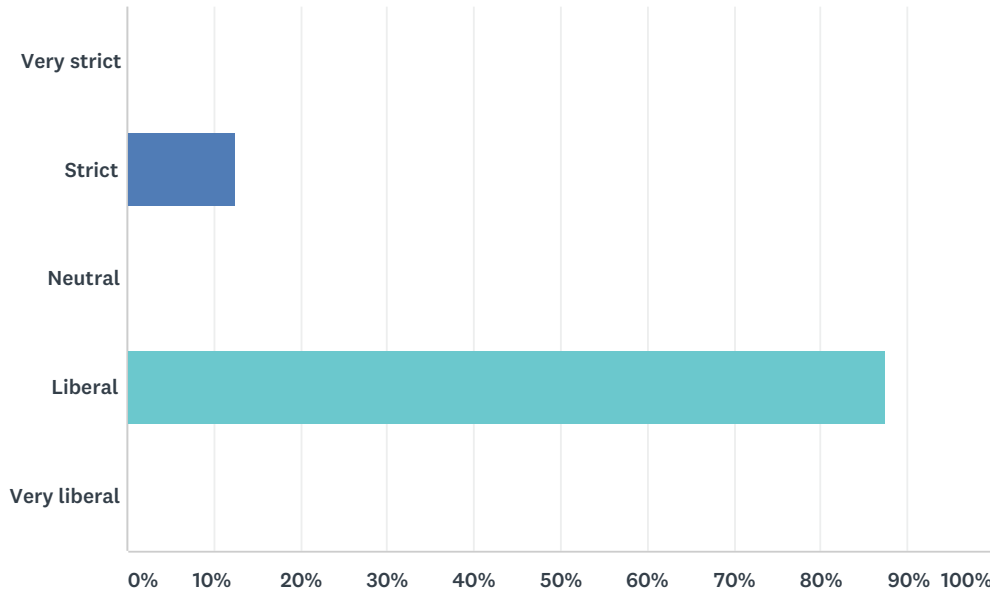


0 1-25% 26-50% 51-75% 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	100.00% 4	0.00% 0	0.00% 0	0.00% 0	0.00% 0	4
International arbitrations	100.00% 3	0.00% 0	0.00% 0	0.00% 0	0.00% 0	3

**Q32 How would you describe the strictness of the courts of your Country in interpreting the scope of arbitration agreements? Note: For the purposes of this question, a “very strict” court will interpret the scope of an arbitration agreement to be as narrow as the language allows. A “very liberal” court will interpret the scope of an arbitration agreement as broadly as the language allows.**

Answered: 8 Skipped: 2

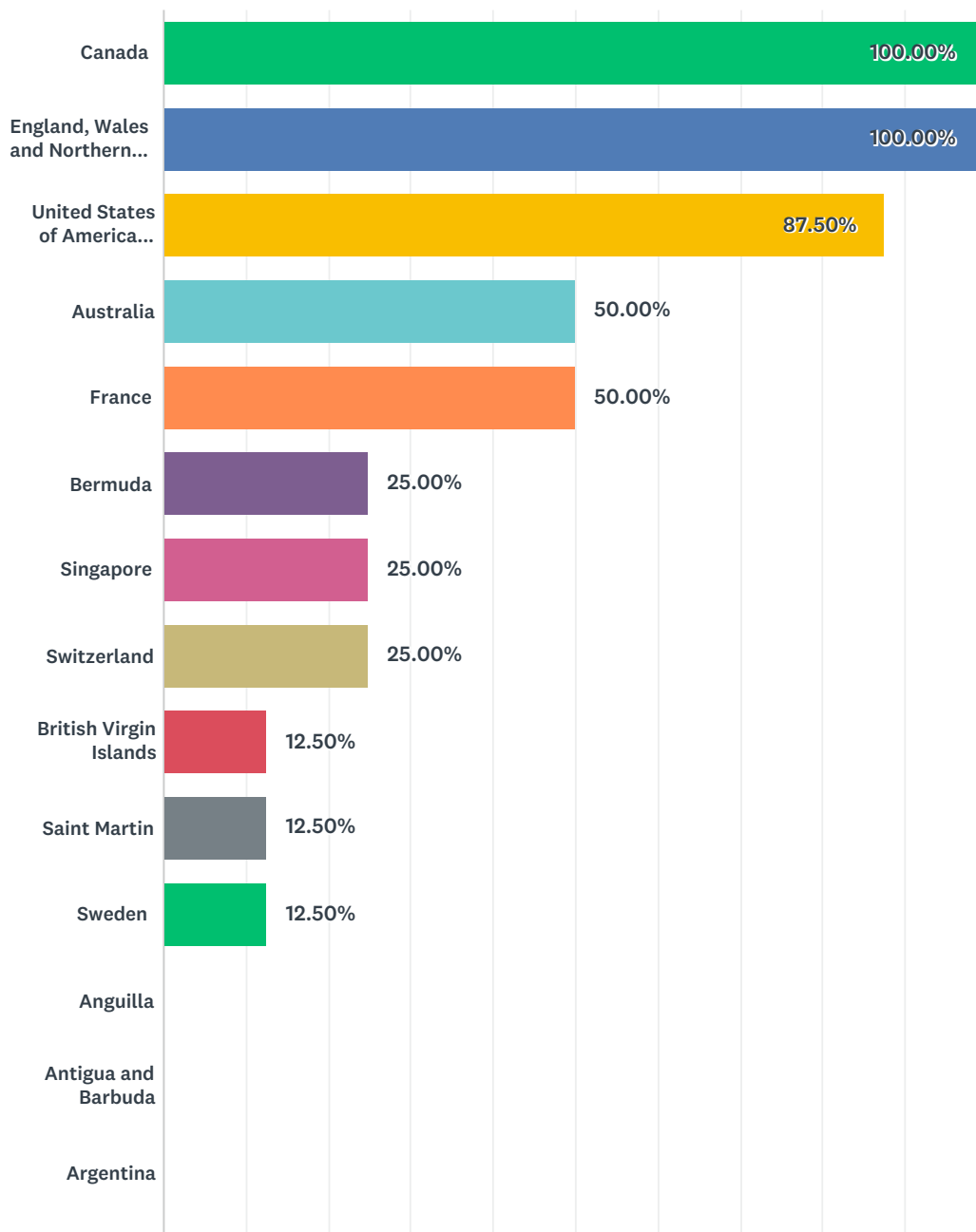


ANSWER CHOICES	RESPONSES	
Very strict	0.00%	0
Strict	12.50%	1
Neutral	0.00%	0
Liberal	87.50%	7
Very liberal	0.00%	0
<b>TOTAL</b>		<b>8</b>



Q33 You are advising a party on the drafting of a post-dispute arbitration agreement for what will qualify as an "international" arbitration under the law of your Country. From the list below, select the top 5 Countries that you would recommend as the seat of the arbitration. The list includes all Countries in the Americas, as well as certain major arbitration jurisdictions around the world. Please specify in the text box below a city for each jurisdiction chosen. Note: This question specifically excludes agreements involving consumers and agreements involving Countries acting in their capacity as sovereigns.

Answered: 8 Skipped: 2



# Survey on the Law and Practice of Arbitration in the Americas

Aruba									
Austria									
Bahamas									
Barbados									
Belize									
Bolivia									
Brazil									
Caribbean Netherlands...									
Cayman Islands									
Chile									
China (not including Ho...									
Colombia									
Costa Rica									
Cuba									
Curaçao									
Dominica									
Dominican Republic									
Dubai Internationa...									
Ecuador									
Egypt									
El Salvador									



## Survey on the Law and Practice of Arbitration in the Americas



ANSWER CHOICES	RESPONSES	
Canada	100.00%	8
England, Wales and Northern Ireland	100.00%	8
United States of America (incl. Puerto Rico and the United States Virgin Islands)	87.50%	7
Australia	50.00%	4
France	50.00%	4
Bermuda	25.00%	2
Singapore	25.00%	2
Switzerland	25.00%	2
British Virgin Islands	12.50%	1
Saint Martin	12.50%	1
Sweden	12.50%	1

## Survey on the Law and Practice of Arbitration in the Americas

Anguilla	0.00%	0
Antigua and Barbuda	0.00%	0
Argentina	0.00%	0
Aruba	0.00%	0
Austria	0.00%	0
Bahamas	0.00%	0
Barbados	0.00%	0
Belize	0.00%	0
Bolivia	0.00%	0
Brazil	0.00%	0
Caribbean Netherlands (Bonaire, Sint Eustatius, Saba)	0.00%	0
Cayman Islands	0.00%	0
Chile	0.00%	0
China (not including Hong Kong)	0.00%	0
Colombia	0.00%	0
Costa Rica	0.00%	0
Cuba	0.00%	0
Curaçao	0.00%	0
Dominica	0.00%	0
Dominican Republic	0.00%	0
Dubai International Financial Centre	0.00%	0
Ecuador	0.00%	0
Egypt	0.00%	0
El Salvador	0.00%	0
Falkland Islands	0.00%	0
French Guiana	0.00%	0
Germany	0.00%	0
Greenland	0.00%	0
Grenada	0.00%	0
Guadeloupe	0.00%	0
Guatemala	0.00%	0
Guyana	0.00%	0
Haiti	0.00%	0
Honduras	0.00%	0
Hong Kong	0.00%	0

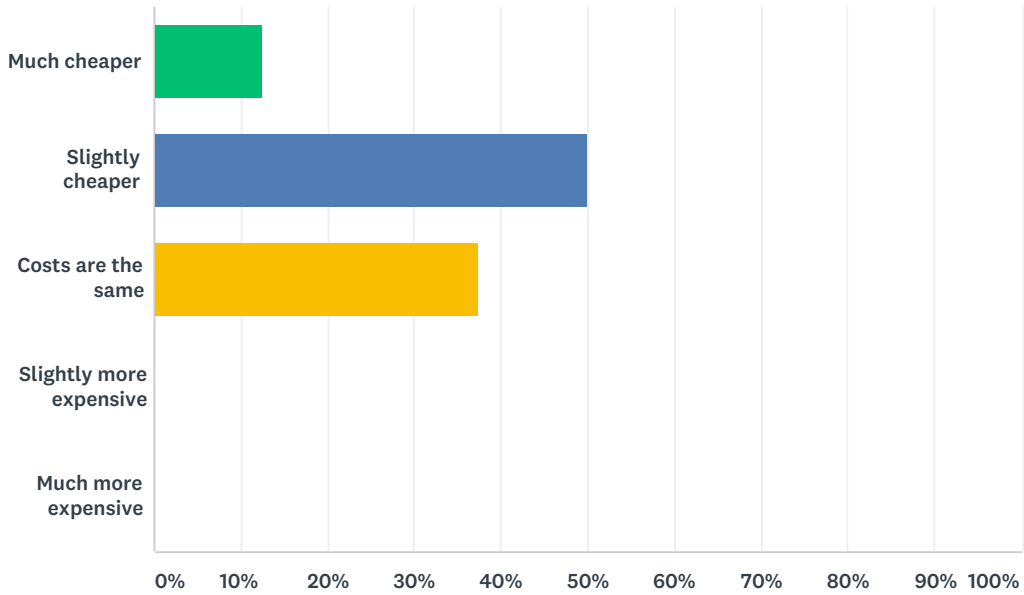
## Survey on the Law and Practice of Arbitration in the Americas

Jamaica	0.00%	0
Martinique	0.00%	0
Mexico	0.00%	0
Montserrat	0.00%	0
Netherlands	0.00%	0
Nicaragua	0.00%	0
Panama	0.00%	0
Paraguay	0.00%	0
Peru	0.00%	0
Portugal	0.00%	0
Saint Barthélemy	0.00%	0
Saint Kitts & Nevis	0.00%	0
Saint Lucia	0.00%	0
Saint Pierre and Miquelon	0.00%	0
Saint Vincent & the Grenadines	0.00%	0
Sint Maarten	0.00%	0
Spain	0.00%	0
Suriname	0.00%	0
Trinidad and Tobago	0.00%	0
Turks & Caicos Islands	0.00%	0
Uruguay	0.00%	0
Venezuela	0.00%	0
Total Respondents: 8		

#	PLEASE SPECIFY A CITY FOR EACH JURISDICTION CHOSEN	DATE
1	Calgary London Paris Singapore New York	6/22/2016 4:28 PM
2	Toronto London Paris Geneva New York	6/17/2016 6:14 PM
3	Calgary, Canada London, England New York, USA Sydney, NSW, Australia Stockholm, Sweden	6/16/2016 9:44 PM
4	Calgary, London, New York, Hamilton, Sydney	6/16/2016 12:36 AM

### Q34 Is arbitrating a dispute in your Country generally cheaper or more expensive than litigating the same dispute in the courts of your Country?

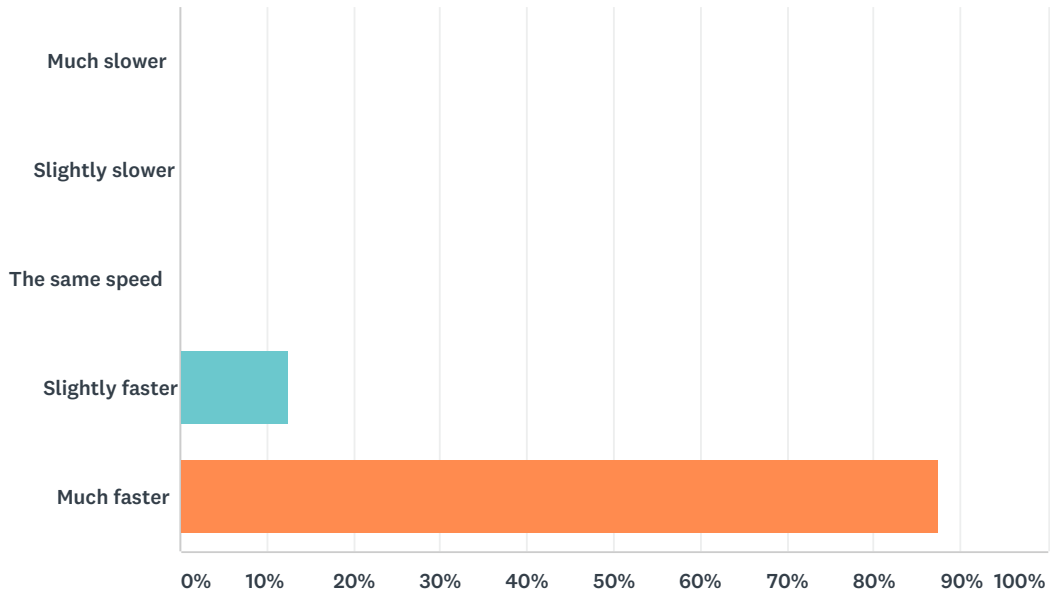
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Much cheaper	12.50%	1
Slightly cheaper	50.00%	4
Costs are the same	37.50%	3
Slightly more expensive	0.00%	0
Much more expensive	0.00%	0
<b>TOTAL</b>		<b>8</b>

### Q35 Is arbitrating a dispute in your Country generally faster or slower than litigating the same dispute in the courts of your Country?

Answered: 8 Skipped: 2

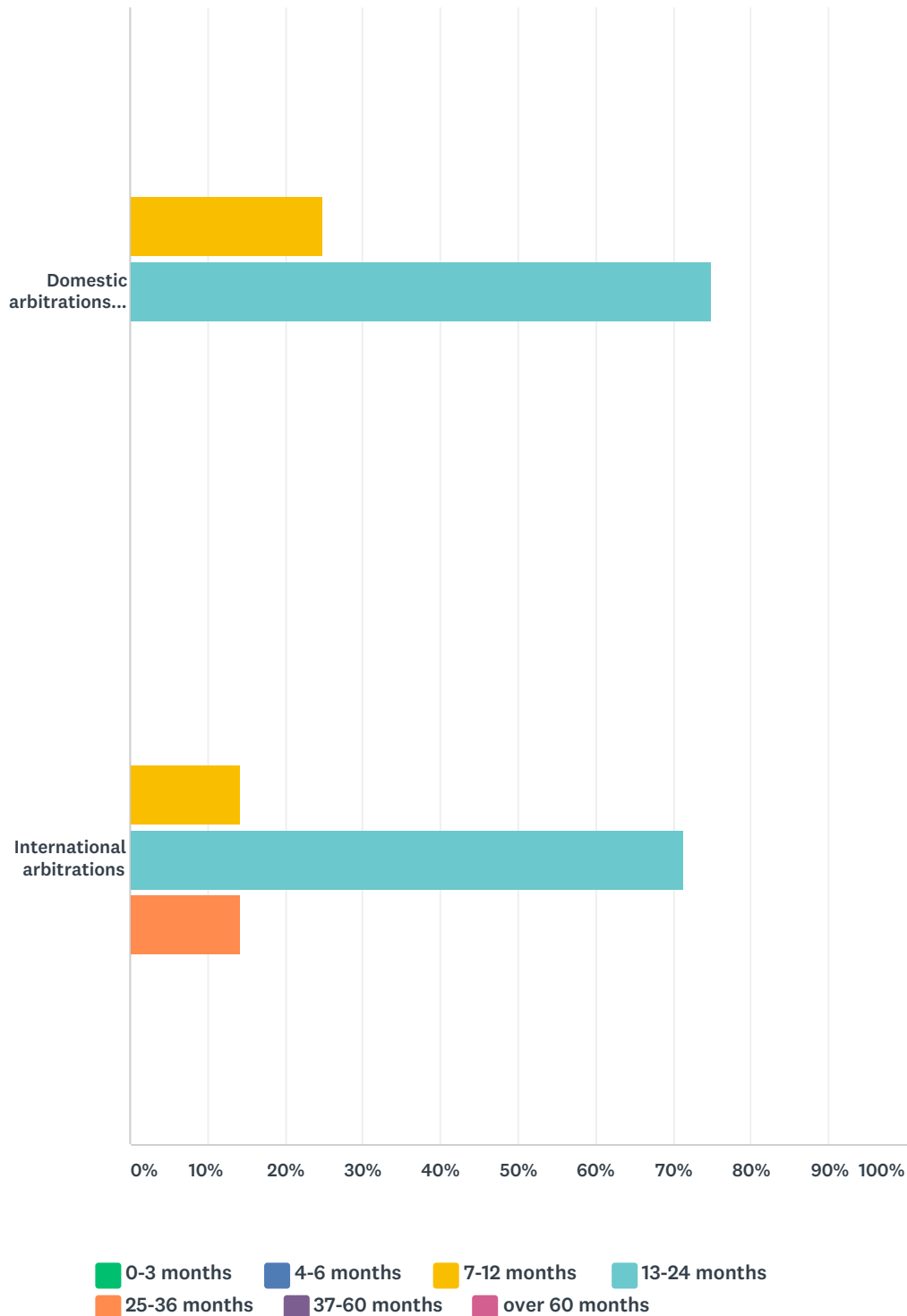


ANSWER CHOICES	RESPONSES
Much slower	0.00% 0
Slightly slower	0.00% 0
The same speed	0.00% 0
Slightly faster	12.50% 1
Much faster	87.50% 7
<b>TOTAL</b>	<b>8</b>



Q36 Of the arbitrations on which you worked over the past 5 years, what was the average length of time between the initial request for arbitration and delivery of the final award? Note: Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.

Answered: 8 Skipped: 2

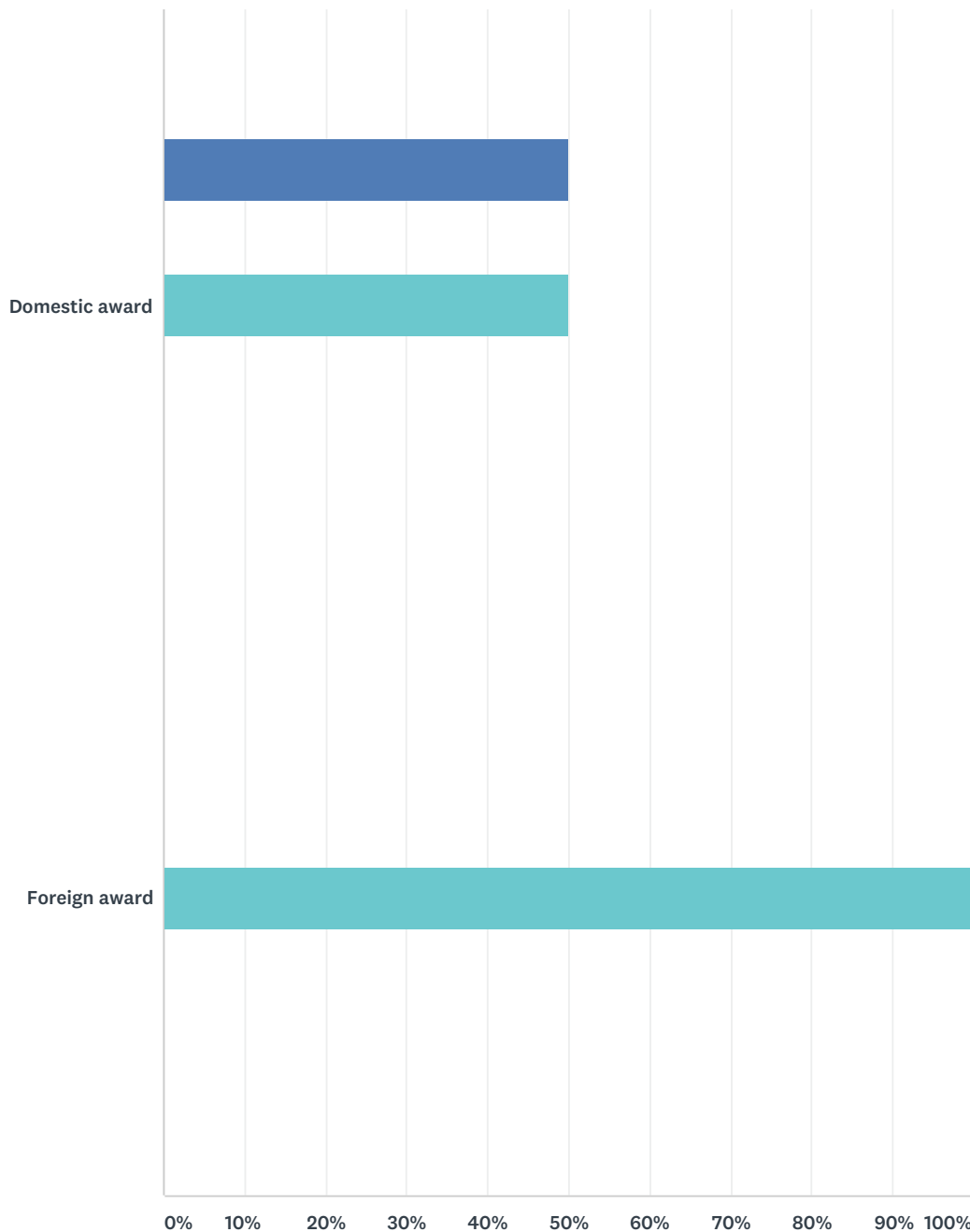


## Survey on the Law and Practice of Arbitration in the Americas

	<b>0-3 MONTHS</b>	<b>4-6 MONTHS</b>	<b>7-12 MONTHS</b>	<b>13-24 MONTHS</b>	<b>25-36 MONTHS</b>	<b>37-60 MONTHS</b>	<b>OVER 60 MONTHS</b>	<b>TOTAL</b>
Domestic arbitrations seated in your Country	0.00% 0	0.00% 0	25.00% 2	75.00% 6	0.00% 0	0.00% 0	0.00% 0	8
International arbitrations	0.00% 0	0.00% 0	14.29% 1	71.43% 5	14.29% 1	0.00% 0	0.00% 0	7

Q37 Of the actions to enforce an arbitration award in the courts of your Country on which you worked in the past 5 years, what was the average length of time between the filing of the first documents with the court and the delivery of the court's decision? Note: Select n/a if you did not work on any relevant (i.e. domestic/foreign) proceedings in this period.

Answered: 8 Skipped: 2



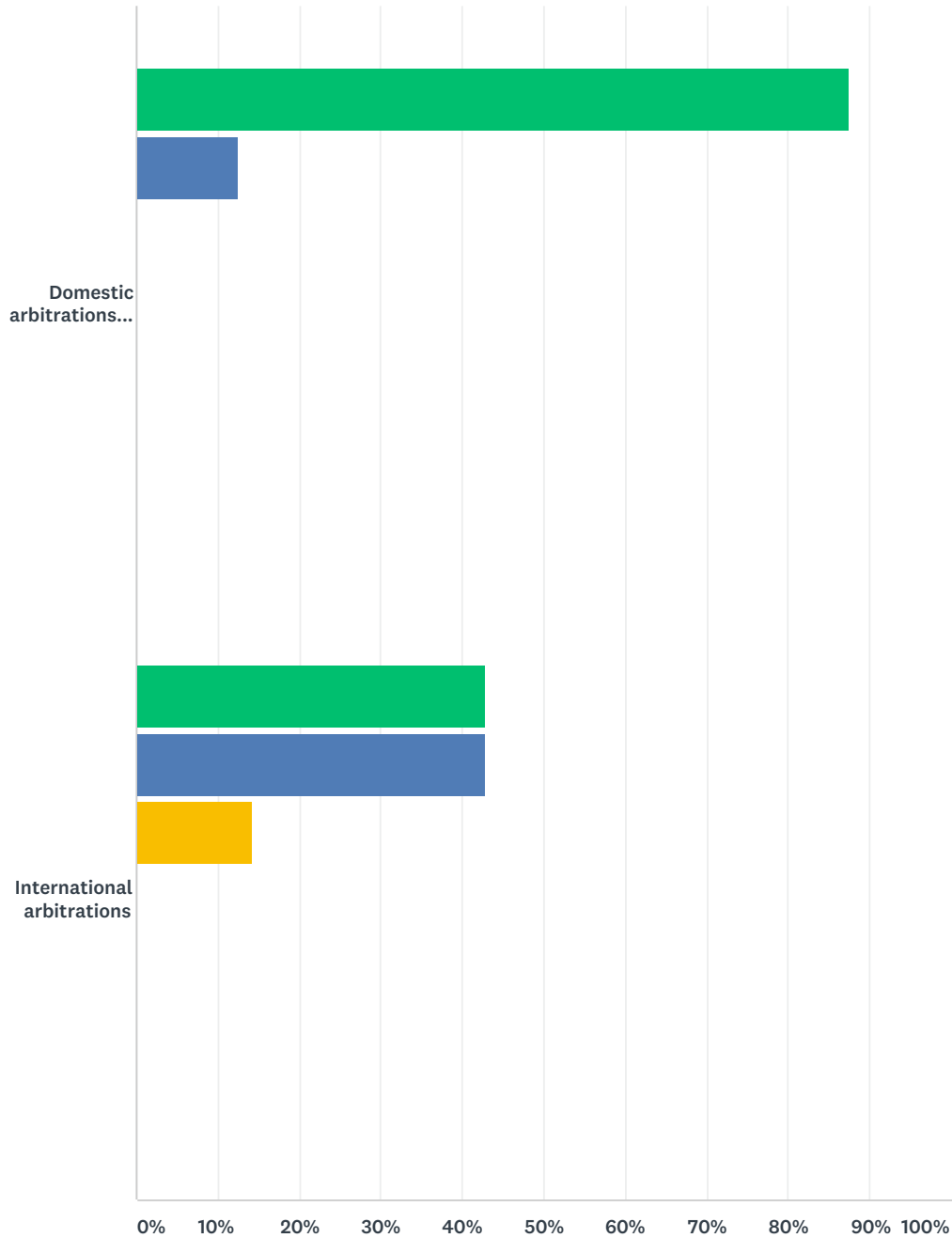
0-3 months 4-6 months 7-12 months 13-24 months  
25-36 months 37-60 months over 60 months

Survey on the Law and Practice of Arbitration in the Americas

	0-3 MONTHS	4-6 MONTHS	7-12 MONTHS	13-24 MONTHS	25-36 MONTHS	37-60 MONTHS	OVER 60 MONTHS	TOTAL
Domestic award	0.00% 0	50.00% 1	0.00% 0	50.00% 1	0.00% 0	0.00% 0	0.00% 0	2
Foreign award	0.00% 0	0.00% 0	0.00% 0	100.00% 1	0.00% 0	0.00% 0	0.00% 0	1

Q38 Of the arbitrations on which you worked over the past 5 years, what was the average time between the end of hearings and the delivery of the final award? Note: Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.

Answered: 8 Skipped: 2



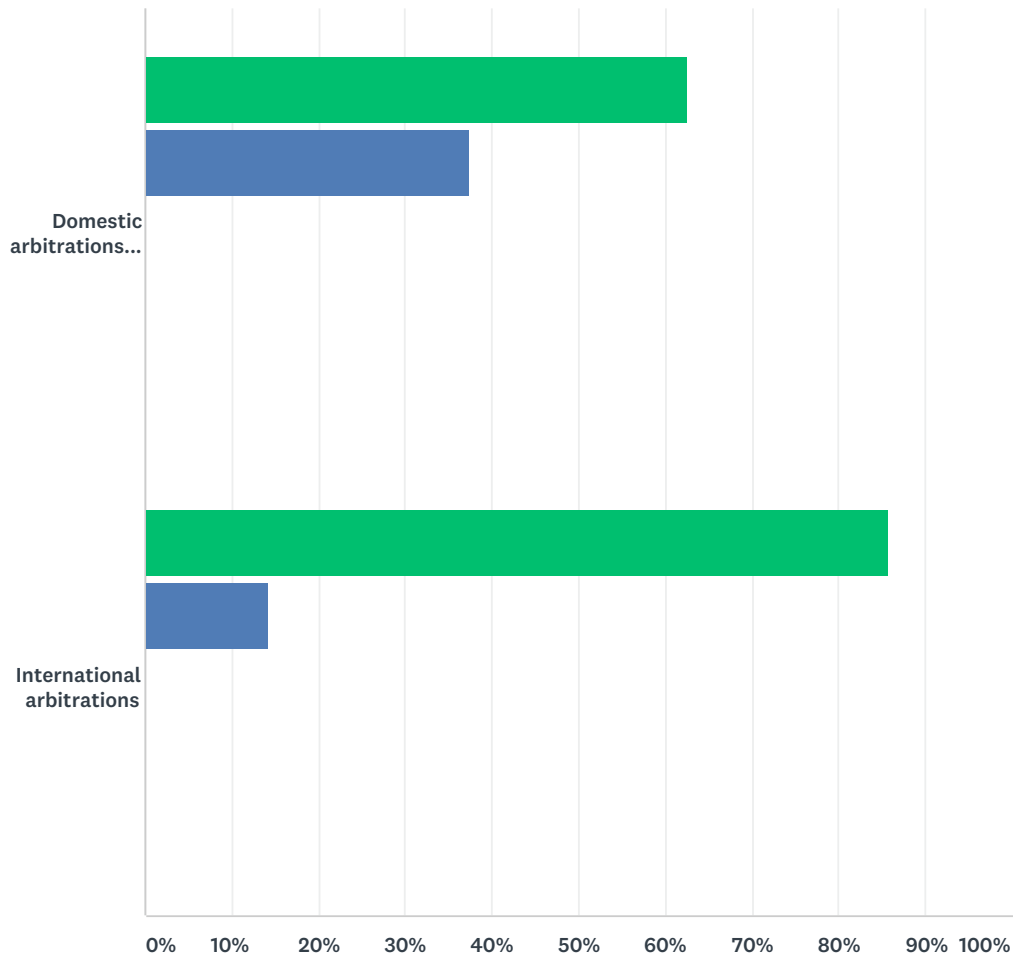
0-3 months 4-6 months 7-12 months 13-24 months  
25-36 months 37-60 months over 60 months

## Survey on the Law and Practice of Arbitration in the Americas

	<b>0-3 MONTHS</b>	<b>4-6 MONTHS</b>	<b>7-12 MONTHS</b>	<b>13-24 MONTHS</b>	<b>25-36 MONTHS</b>	<b>37-60 MONTHS</b>	<b>OVER 60 MONTHS</b>	<b>TOTAL</b>
Domestic arbitrations seated in your Country	87.50% 7	12.50% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	8
International arbitrations	42.86% 3	42.86% 3	14.29% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7

Q39 Of the arbitrations on which you worked in the past 5 years, in what proportion did the unsuccessful party attempt to have the award annulled? Note: Select n/a if you did not work on any relevant (i.e. domestic/international) arbitrations in this period.

Answered: 8 Skipped: 2

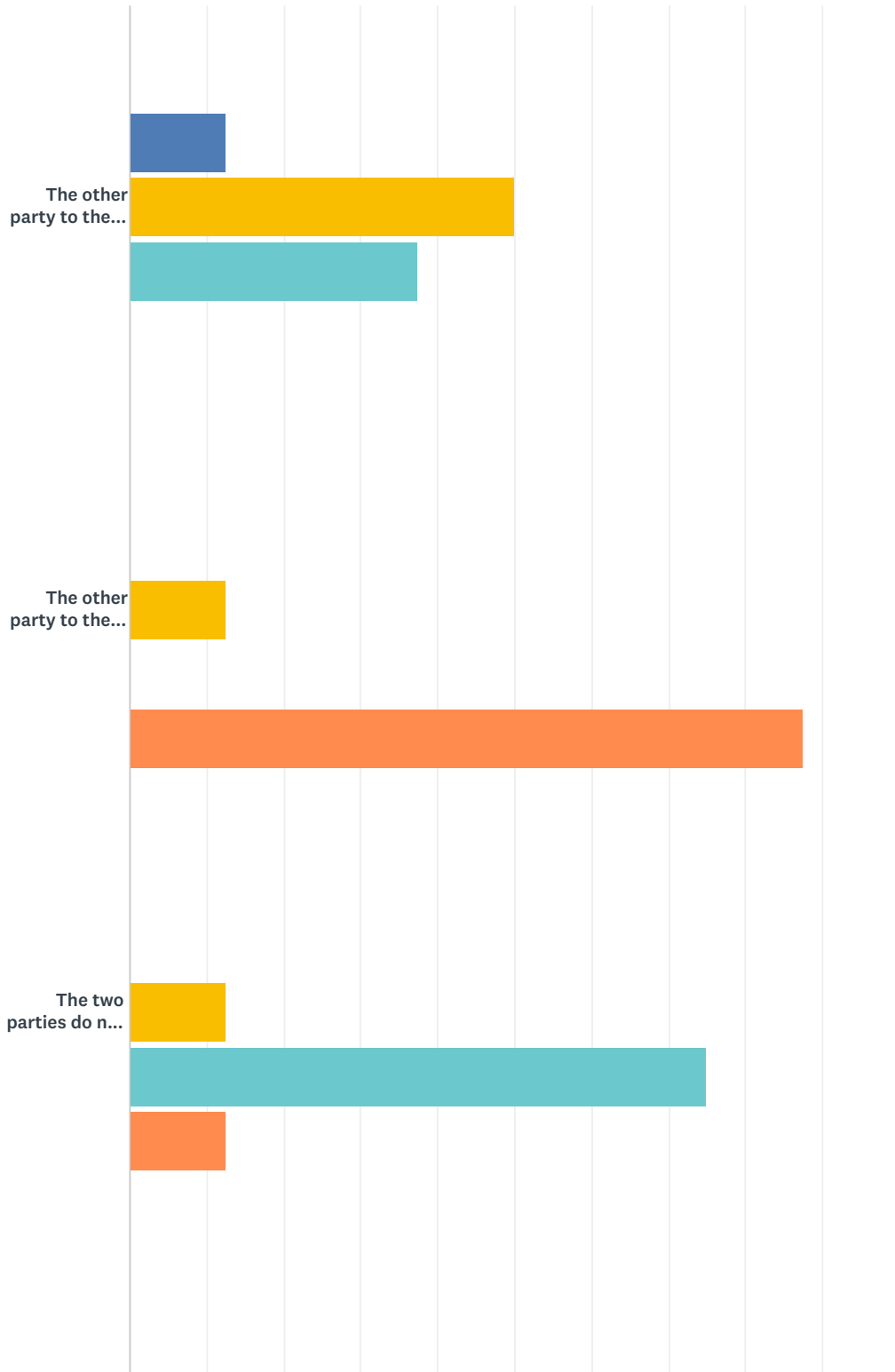


0 1-25% 26-50% 51-75% 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	62.50%	37.50%	0.00%	0.00%	0.00%	8
	5	3	0	0	0	
International arbitrations	85.71%	14.29%	0.00%	0.00%	0.00%	7
	6	1	0	0	0	

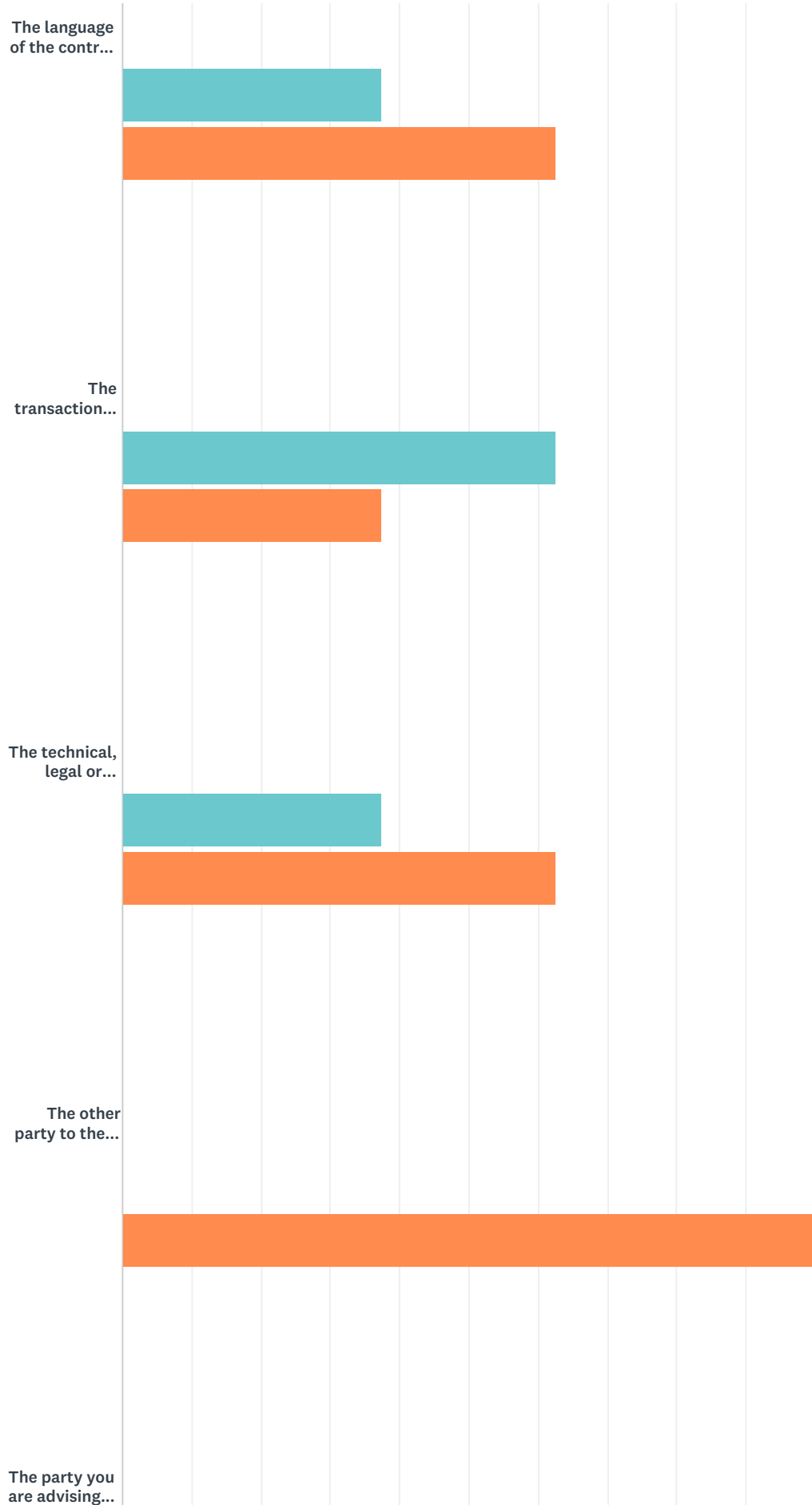
Q40 Assume that a party is entering into a contract. Please evaluate the following features of the contract or its commercial context in terms of the degree to which they would lead you to recommend to the party that an arbitration agreement be included.

Answered: 8 Skipped: 2

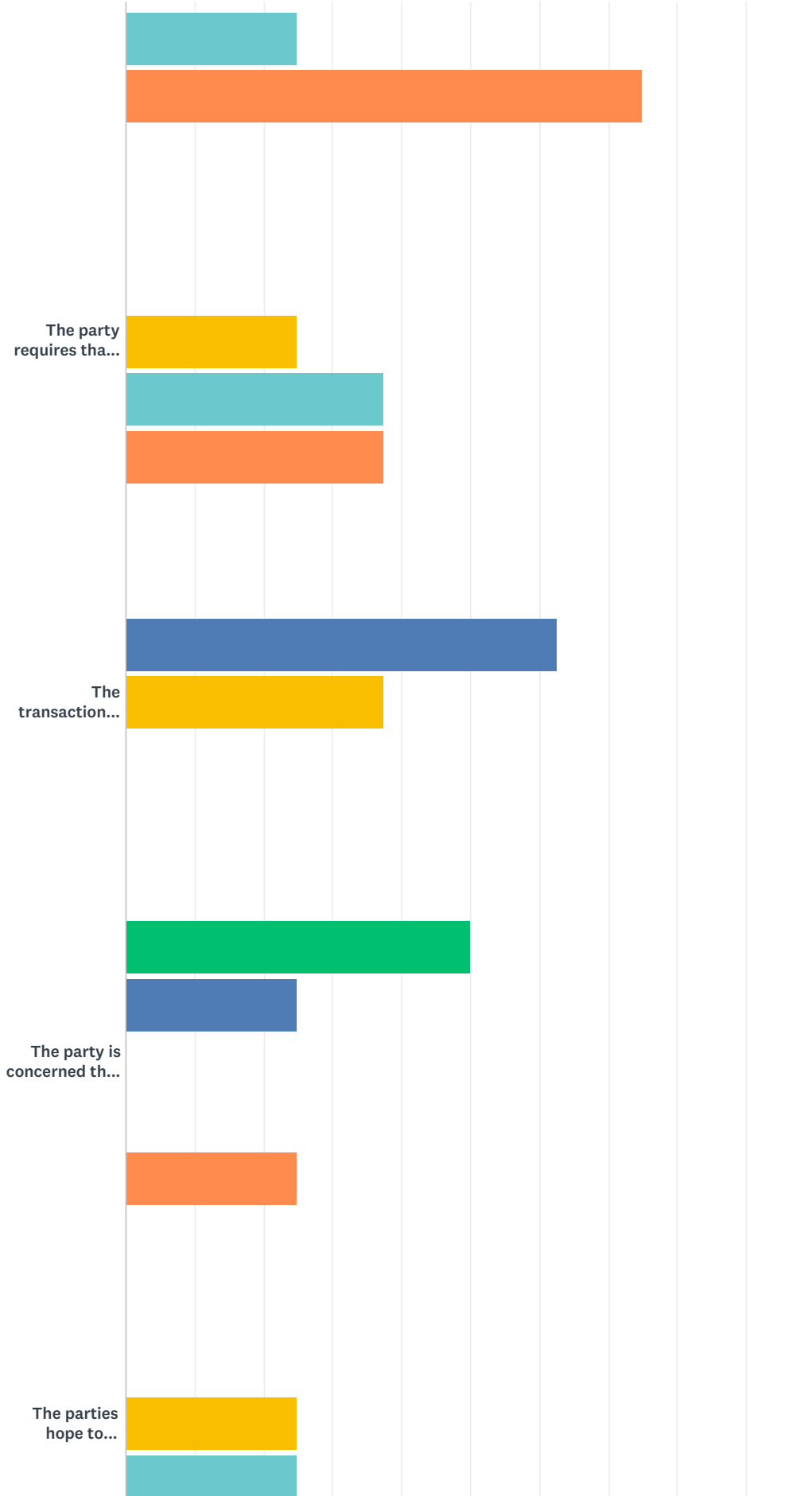




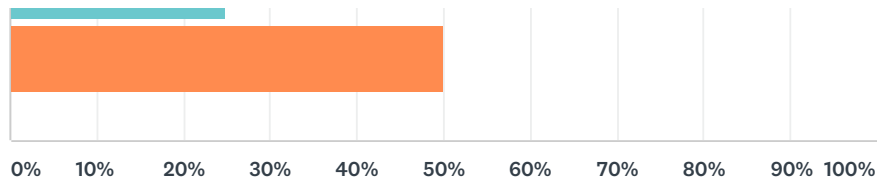
# Survey on the Law and Practice of Arbitration in the Americas



# Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas



■ Strong reason to avoid arbitration    ■ Some reason to avoid arbitration  
■ Neutral    ■ Some reason to propose arbitration  
■ Strong reason to propose arbitration

	STRONG REASON TO AVOID ARBITRATION	SOME REASON TO AVOID ARBITRATION	NEUTRAL	SOME REASON TO PROPOSE ARBITRATION	STRONG REASON TO PROPOSE ARBITRATION	TOTAL
The other party to the contract is a domestic commercial entity, so that any award or judgment can be enforced domestically	0.00% 0	12.50% 1	50.00% 4	37.50% 3	0.00% 0	8
The other party to the contract is a foreign commercial entity and any award or judgment may have to be enforced abroad	0.00% 0	0.00% 0	12.50% 1	0.00% 0	87.50% 7	8
The two parties do not share a common native language	0.00% 0	0.00% 0	12.50% 1	75.00% 6	12.50% 1	8
The language of the contract is not the language of your Country, the likely location of any litigation in the absence of an arbitration agreement	0.00% 0	0.00% 0	0.00% 0	37.50% 3	62.50% 5	8
The transaction underlying the contract includes foreign elements (e.g. products are being shipped abroad, products are being produced abroad)	0.00% 0	0.00% 0	0.00% 0	62.50% 5	37.50% 3	8
The technical, legal or commercial complexity of the transaction underlying the contract means that it is best resolved by an individual with specialised expertise	0.00% 0	0.00% 0	0.00% 0	37.50% 3	62.50% 5	8
The other party to the contract comes from a Country whose courts have a reputation for corruption or for bias against foreign parties	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 8	8
The party you are advising wishes to keep confidential all information relating to the transaction or any potential dispute	0.00% 0	0.00% 0	0.00% 0	25.00% 2	75.00% 6	8
The party requires that any dispute be resolved, and any compensation paid, as quickly as possible	0.00% 0	0.00% 0	25.00% 2	37.50% 3	37.50% 3	8
The transaction underlying the contract is small in value, so that little will be awarded in compensation	0.00% 0	62.50% 5	37.50% 3	0.00% 0	0.00% 0	8
The party is concerned that allegations made by the other party could cause reputational damage, and wants its actions vindicated by a publicly available decision	50.00% 4	25.00% 2	0.00% 0	0.00% 0	25.00% 2	8

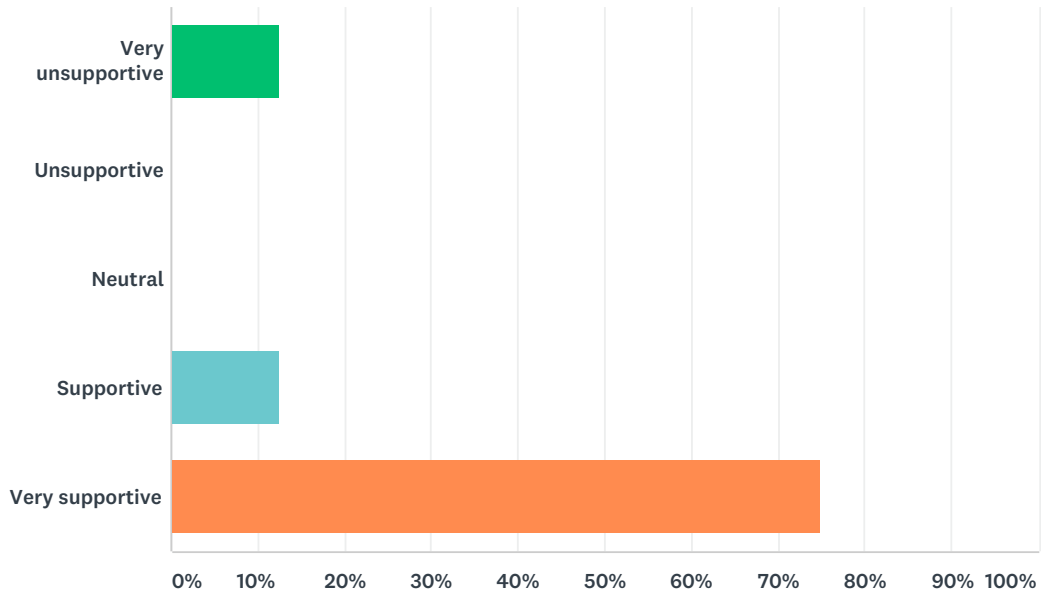
## Survey on the Law and Practice of Arbitration in the Americas

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The parties hope to maintain a long-term relationship, even beyond any disputes that may arise	0.00% 0	0.00% 0	25.00% 2	25.00% 2	50.00% 4	8
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### Q41 How supportive of arbitration would you characterise the laws applicable to domestic arbitration in your Country as being?

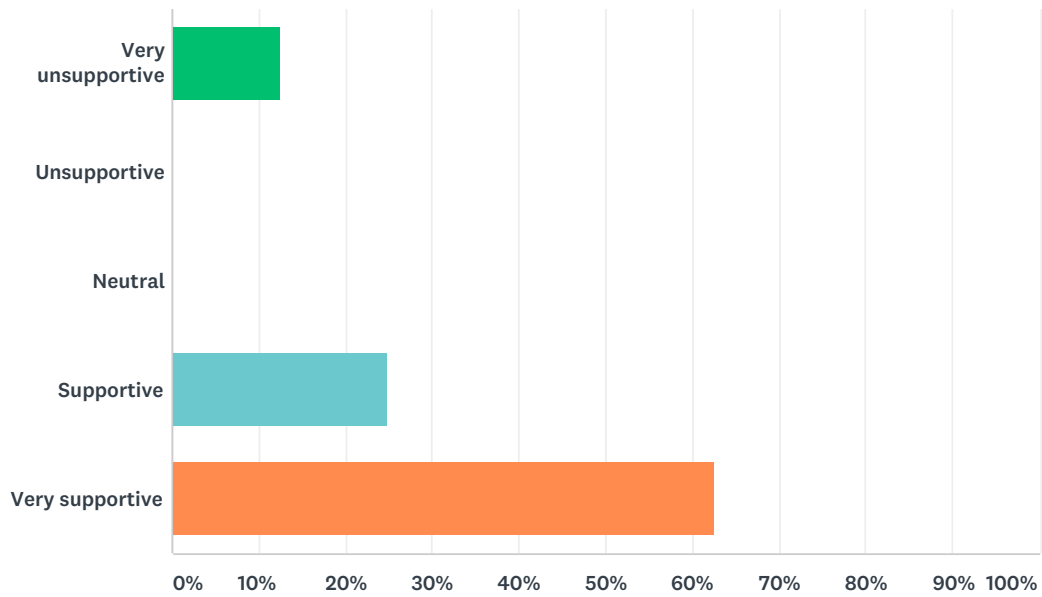
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very unsupportive	12.50%	1
Unsupportive	0.00%	0
Neutral	0.00%	0
Supportive	12.50%	1
Very supportive	75.00%	6
<b>TOTAL</b>		<b>8</b>

## Q42 How supportive of arbitration would you characterise the laws applicable to international arbitration in your Country as being?

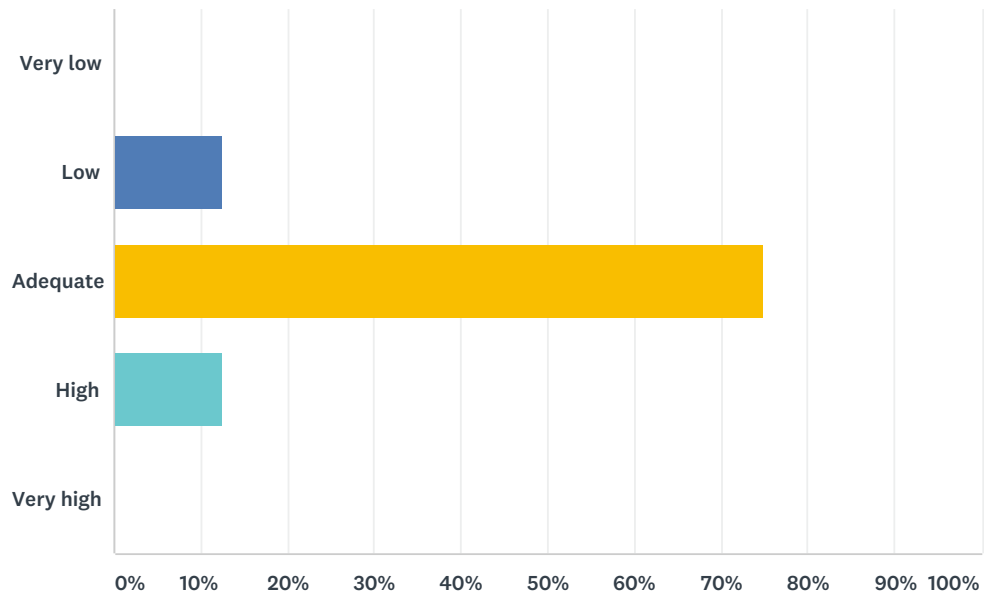
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very unsupportive	12.50%	1
Unsupportive	0.00%	0
Neutral	0.00%	0
Supportive	25.00%	2
Very supportive	62.50%	5
<b>TOTAL</b>		<b>8</b>

### Q43 How would you characterise the level of understanding of arbitration on the part of business people in your Country?

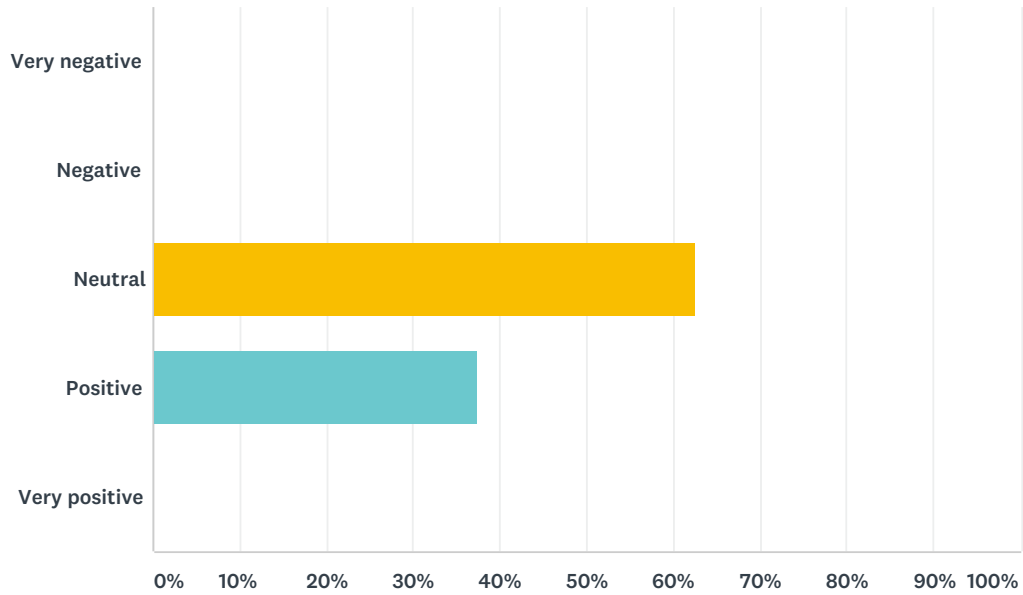
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	12.50%	1
Adequate	75.00%	6
High	12.50%	1
Very high	0.00%	0
<b>TOTAL</b>		<b>8</b>

## Q44 How would you characterise the attitude of business people in your Country toward arbitration?

Answered: 8 Skipped: 2

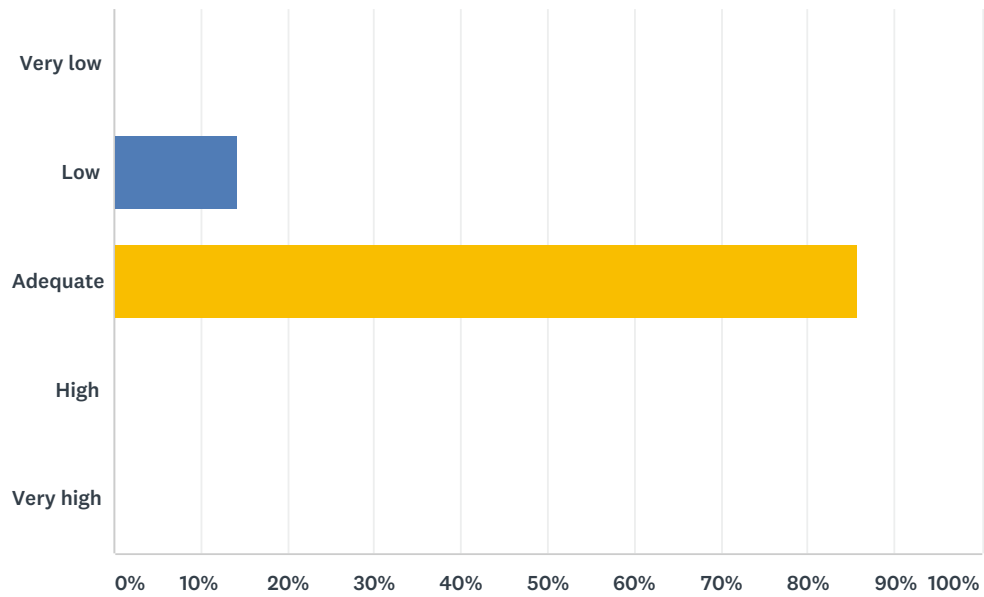


ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	0.00%	0
Neutral	62.50%	5
Positive	37.50%	3
Very positive	0.00%	0
<b>TOTAL</b>		<b>8</b>



## Q45 How would you characterise the level of understanding of arbitration on the part of legislators in your Country?

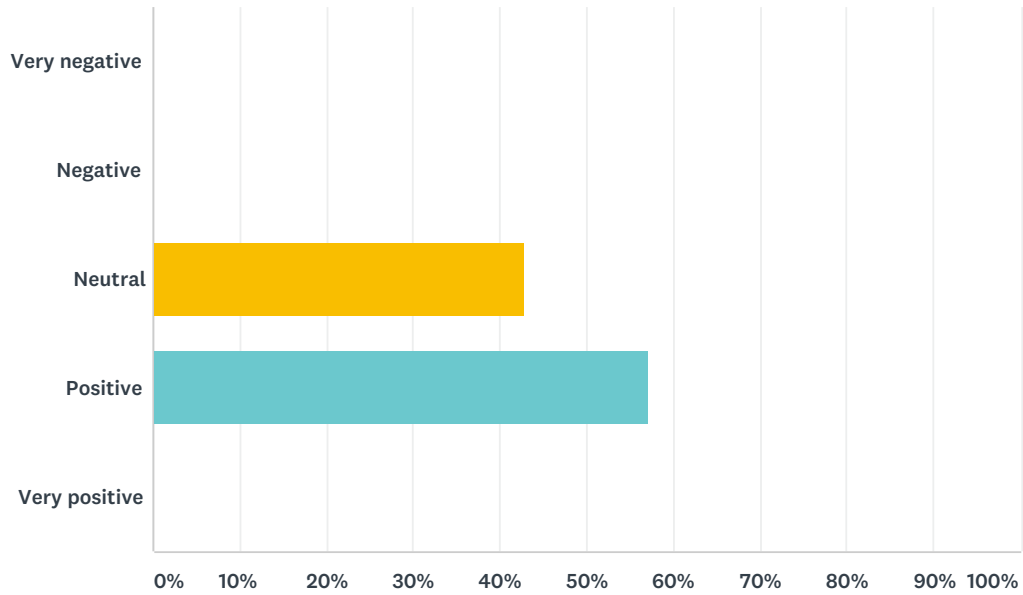
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	14.29%	1
Adequate	85.71%	6
High	0.00%	0
Very high	0.00%	0
<b>TOTAL</b>		<b>7</b>

## Q46 How would you characterise the attitude of legislators in your Country toward arbitration?

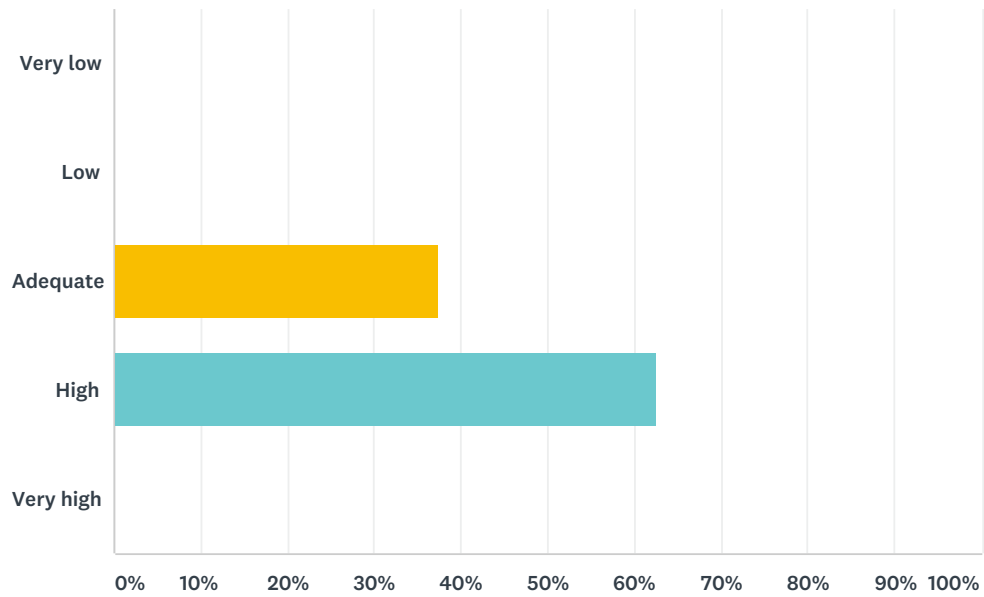
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	0.00%	0
Neutral	42.86%	3
Positive	57.14%	4
Very positive	0.00%	0
<b>TOTAL</b>		<b>7</b>

### Q47 How would you characterise the level of understanding of arbitration on the part of judges in your Country?

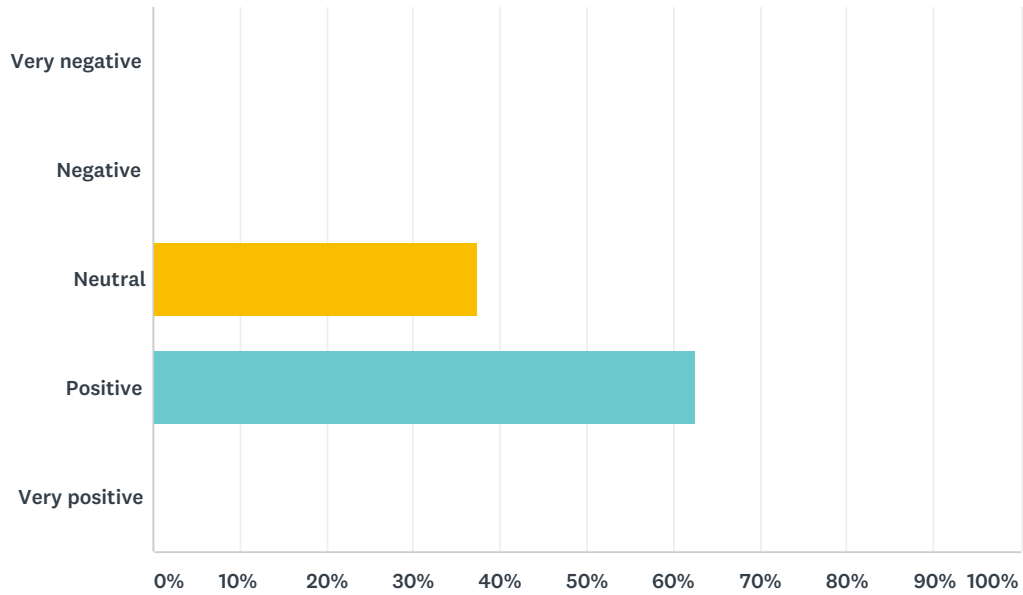
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	0.00%	0
Adequate	37.50%	3
High	62.50%	5
Very high	0.00%	0
<b>TOTAL</b>		<b>8</b>

## Q48 How would you characterise the attitude of judges in your Country toward arbitration?

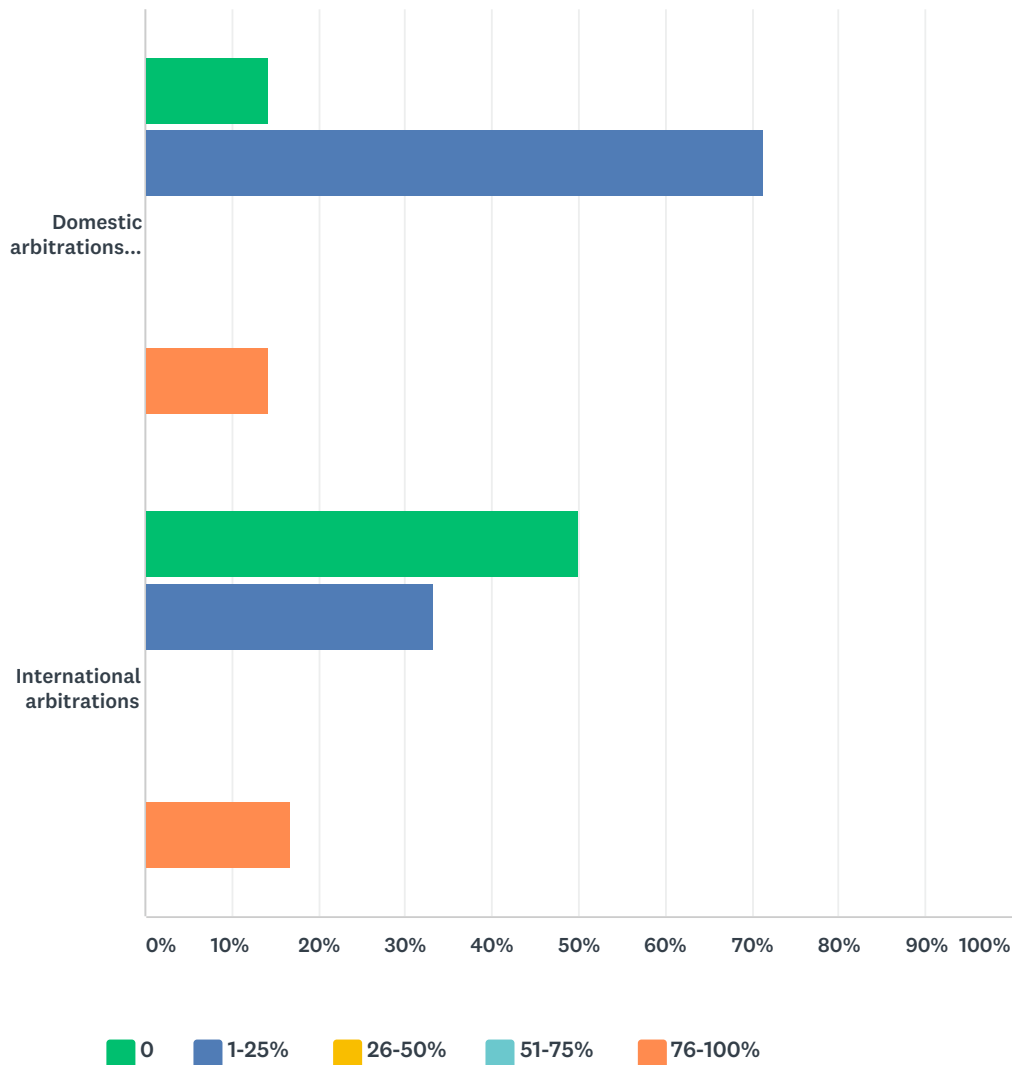
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	0.00%	0
Neutral	37.50%	3
Positive	62.50%	5
Very positive	0.00%	0
<b>TOTAL</b>		<b>8</b>

**Q49** In what percentage of arbitrations on which you worked over the past 5 years did the parties attempt mediation before arbitration? Note: This could have been as part of a formal medarb process, or as an entirely independent dispute resolution procedure. Please include only formal attempts at mediation, not informal settlement talks. Select n/a if you did not work on a relevant (i.e. domestic/international) arbitration in the period in question.

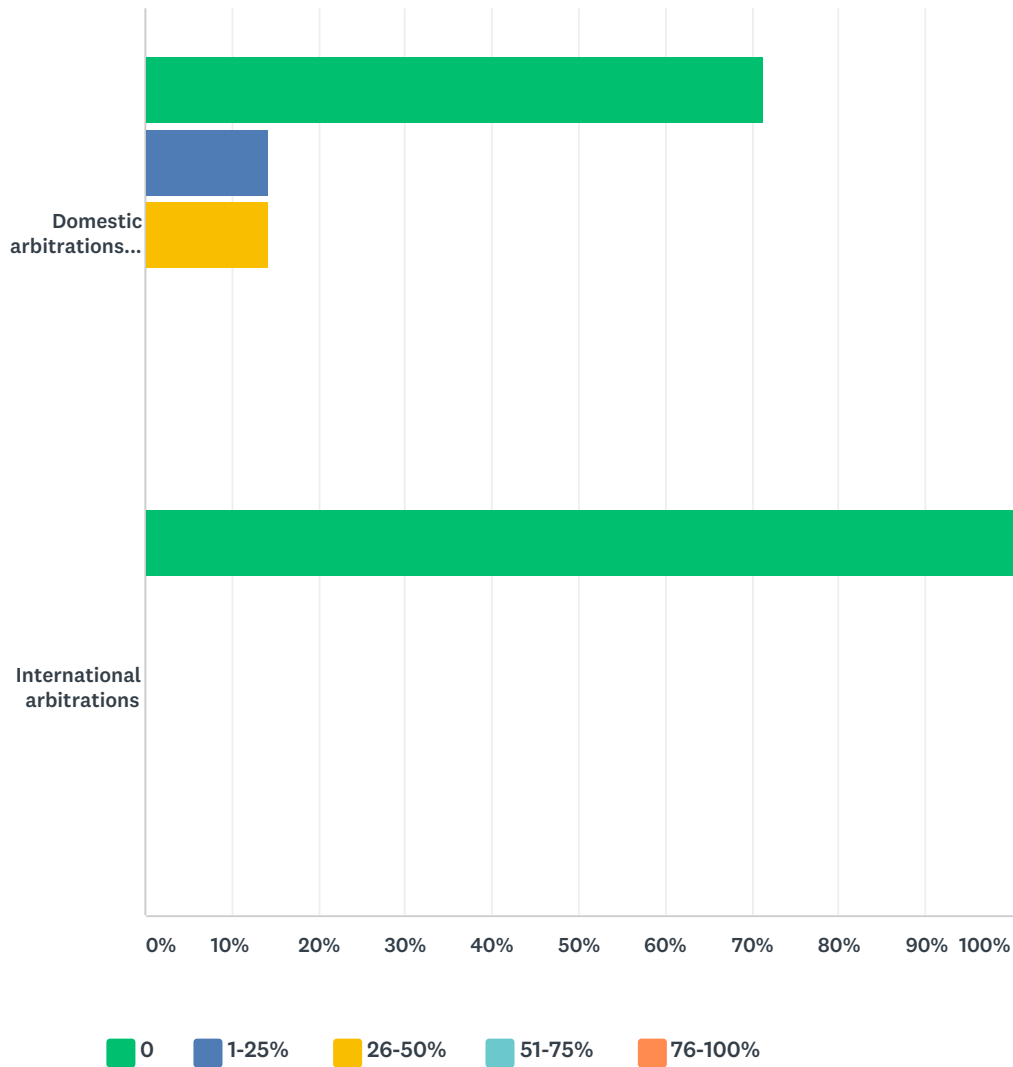
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	14.29% 1	71.43% 5	0.00% 0	0.00% 0	14.29% 1	7
International arbitrations	50.00% 3	33.33% 2	0.00% 0	0.00% 0	16.67% 1	6

**Q50 In what proportion of the arbitrations identified in the preceding question did the individual who served as mediator also serve as arbitrator? Note: Select n/a if you answered '0', 'n/a' or 'I don't know' in the previous question.**

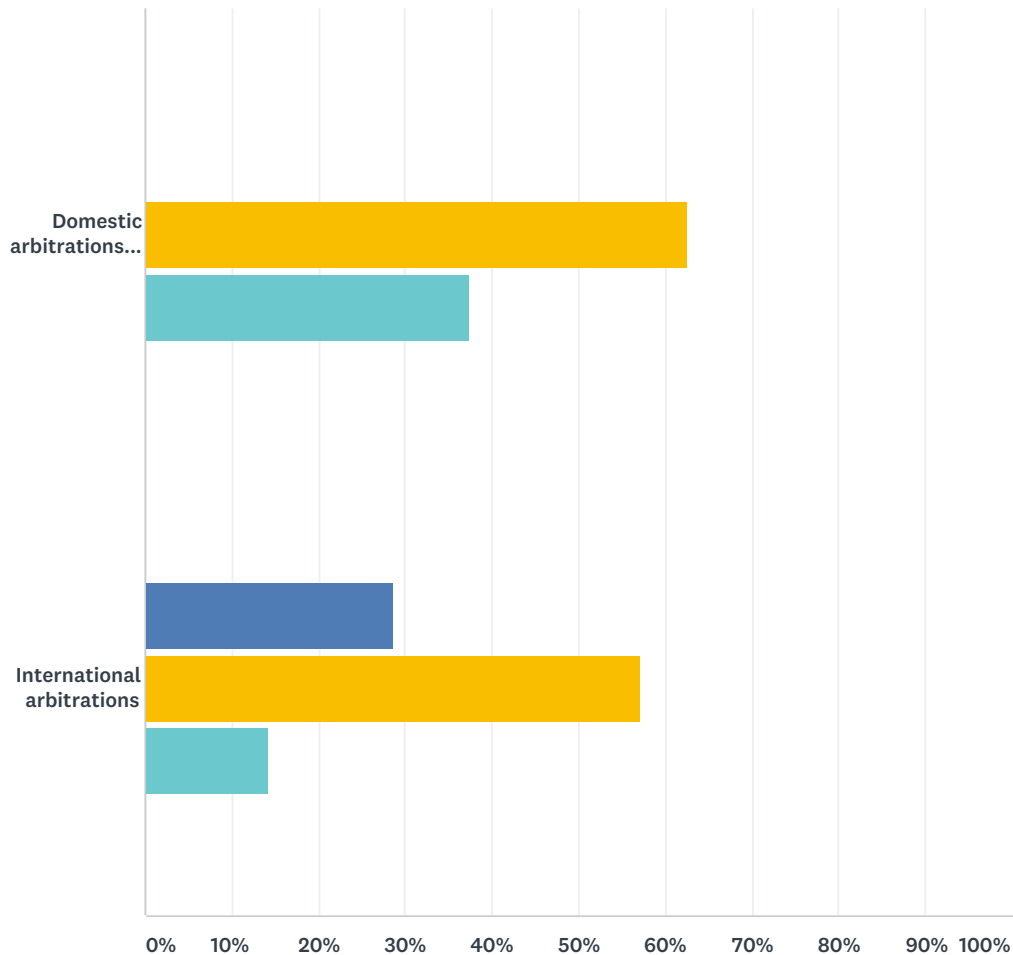
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	71.43% 5	14.29% 1	14.29% 1	0.00% 0	0.00% 0	7
International arbitrations	100.00% 4	0.00% 0	0.00% 0	0.00% 0	0.00% 0	4

Q51 How would you describe the level of similarity between procedures used in arbitrations seated in your Country and those used in the courts of your Country? Note: By “procedure” is meant the internal procedure of the arbitration, including evidence, timetables, document submission, etc.

Answered: 8 Skipped: 2

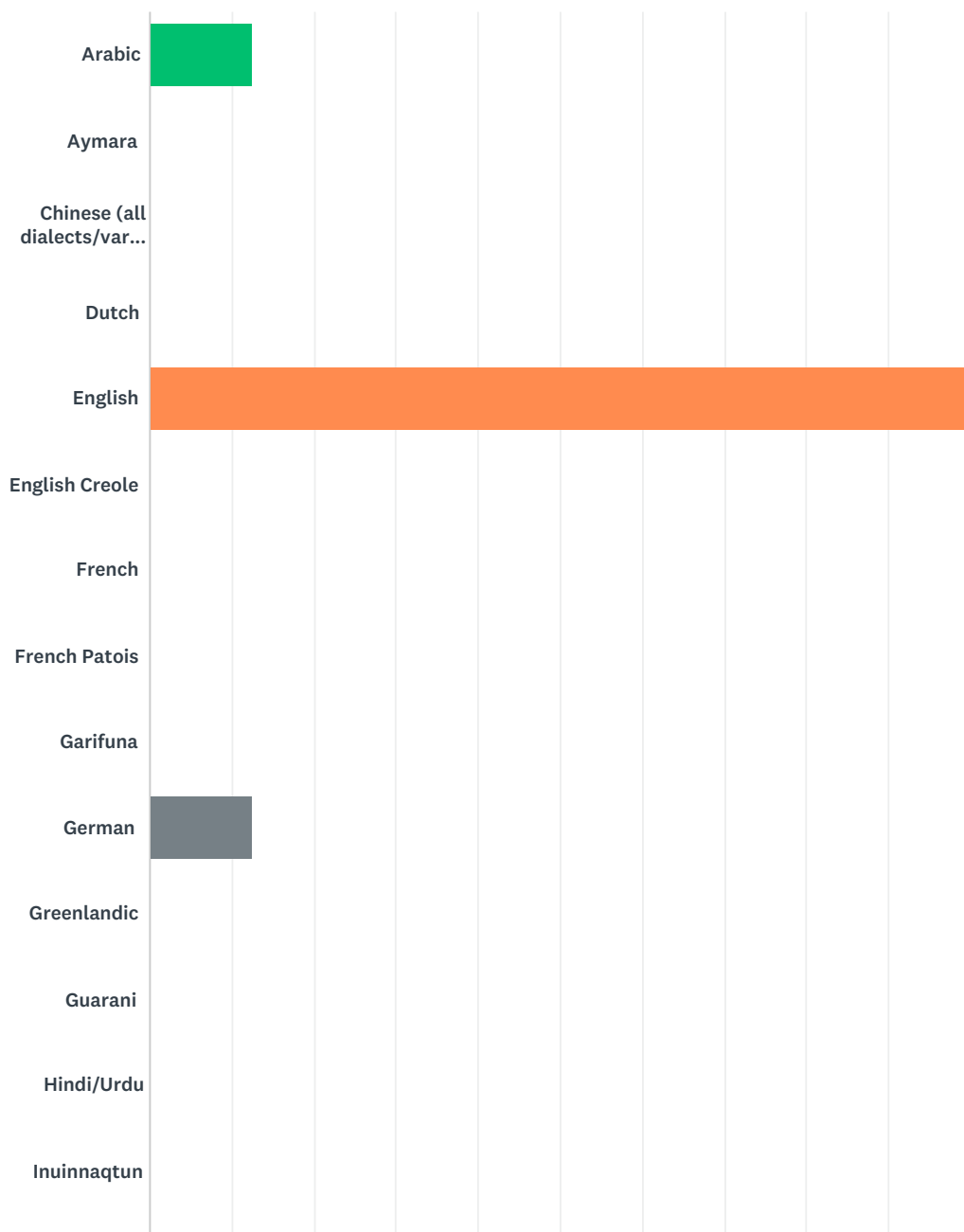


■ No or almost no shared procedures    ■ Few shared procedures  
■ Some shared procedures    ■ Many shared procedures  
■ Effectively the same procedures

	NO OR ALMOST NO SHARED PROCEDURES	FEW SHARED PROCEDURES	SOME SHARED PROCEDURES	MANY SHARED PROCEDURES	EFFECTIVELY THE SAME PROCEDURES	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	0.00% 0	62.50% 5	37.50% 3	0.00% 0	8
International arbitrations	0.00% 0	28.57% 2	57.14% 4	14.29% 1	0.00% 0	7

**Q52 Which of the following languages have been formally used in an arbitration on which you have worked in the past 5 years? Note: For the purposes of this question include only arbitrations in which the language in question was formally accepted by the arbitral tribunal as acceptable for party use, even if translation was also required. Do not include arbitrations in which a second language was used only for testimony by witnesses that were not fluent in the language of the arbitration, or with respect to evidence written in languages other than the language of the arbitration.**

Answered: 8 Skipped: 2

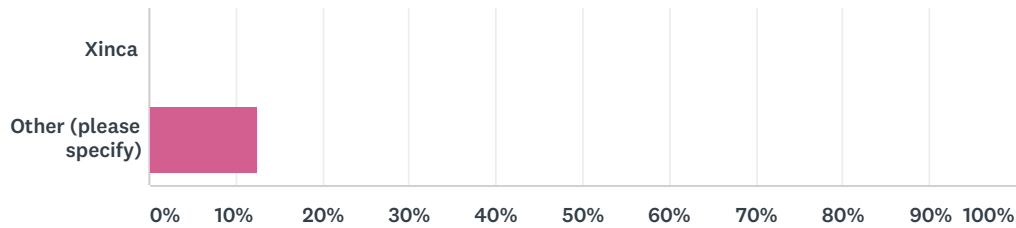




# Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas



ANSWER CHOICES	RESPONSES	
Arabic	12.50%	1
Aymara	0.00%	0
Chinese (all dialects/varieties)	0.00%	0
Dutch	0.00%	0
English	100.00%	8
English Creole	0.00%	0
French	0.00%	0
French Patois	0.00%	0
Garifuna	0.00%	0
German	12.50%	1
Greenlandic	0.00%	0
Guarani	0.00%	0
Hindi/Urdu	0.00%	0
Inuinnaqtun	0.00%	0
Inuktitut	0.00%	0
Italian	0.00%	0
Jamaican Patois	0.00%	0
Japanese	0.00%	0
Javanese	0.00%	0
Kaqchikel	0.00%	0
K'iche' (Quiché)	0.00%	0
Mam	0.00%	0
Mayan	0.00%	0
Nahuatl	0.00%	0
Papiamentu	0.00%	0
Portuguese	0.00%	0
Portuñol	0.00%	0
Quechua	0.00%	0
Q'eqchi'	0.00%	0

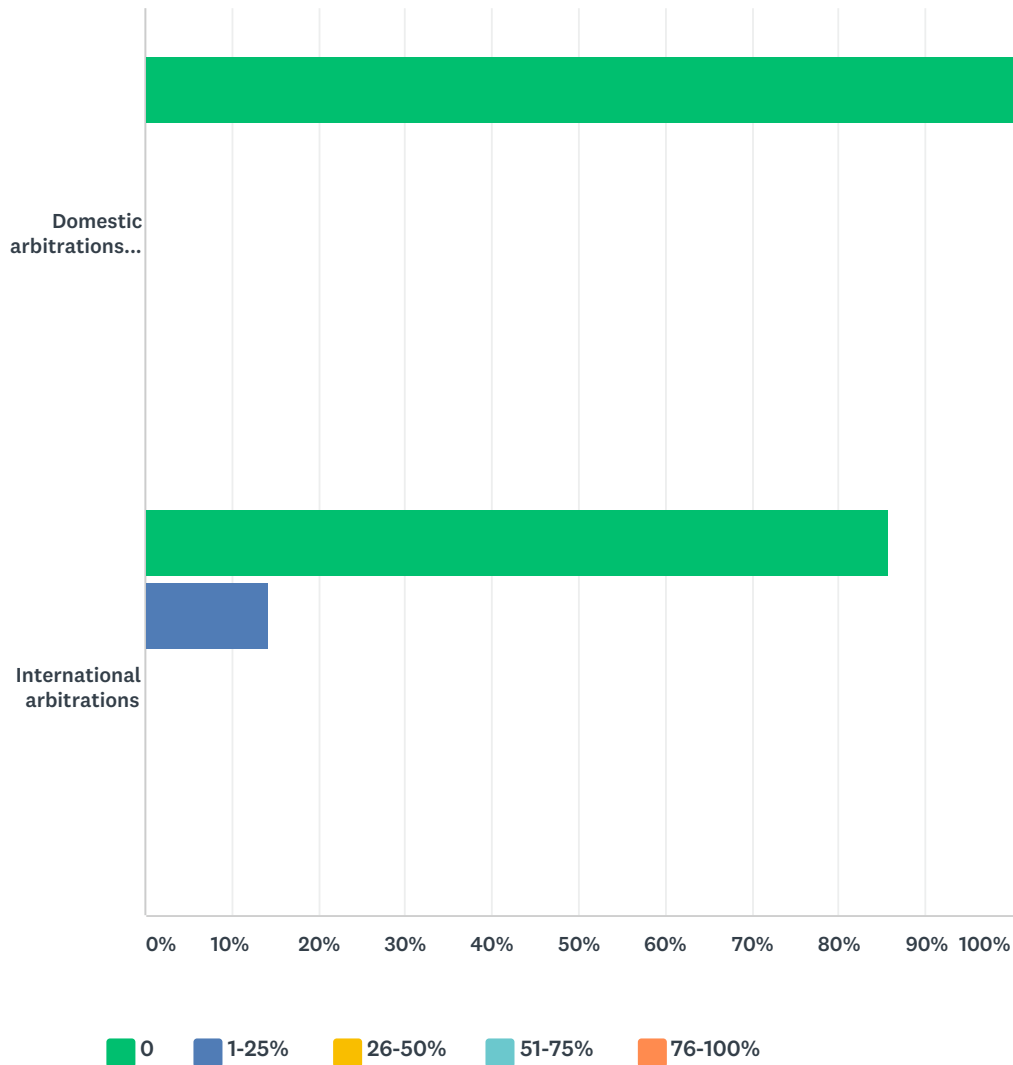
## Survey on the Law and Practice of Arbitration in the Americas

Quiche	0.00%	0
Russian	0.00%	0
Saramaccan	0.00%	0
Spanish	12.50%	1
Sranan Tongo	0.00%	0
Urdu	0.00%	0
Xinca	0.00%	0
Other (please specify)	12.50%	1
Total Respondents: 8		

#	OTHER (PLEASE SPECIFY)	DATE
1	korean	9/1/2016 10:59 PM

Q53 Of the arbitrations on which you have worked in the past 5 years, what proportion were conducted on a bilingual/multilingual basis? Note: For the purposes of this question include only arbitrations in which more than one language was formally accepted by the arbitral tribunal as acceptable for party use, even if translation was also required. Do not include arbitrations in which a second language was used only for testimony by witnesses that were not fluent in the language of the arbitration, or with respect to evidence written in languages other than the language of the arbitration. Select n/a if you have not worked on such arbitrations (i.e. domestic/international) in this period.

Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	100.00%	0.00%	0.00%	0.00%	0.00%	8
	8	0	0	0	0	8

## Survey on the Law and Practice of Arbitration in the Americas

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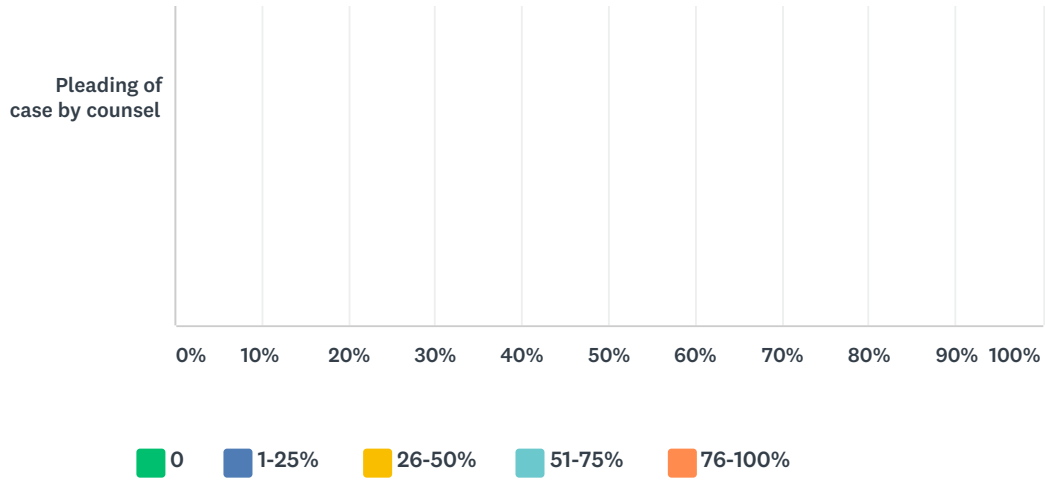
International arbitrations	85.71%	14.29%	0.00%	0.00%	0.00%	
	6	1	0	0	0	7

Q54 Of the domestic arbitrations seated in your Country on which you have worked in the past 5 years, in what percentage of cases were the following procedural elements bilingual/multilingual? Note: Select n/a if you have not worked on a bilingual/multilingual domestic arbitration in this period.

Answered: 8 Skipped: 2



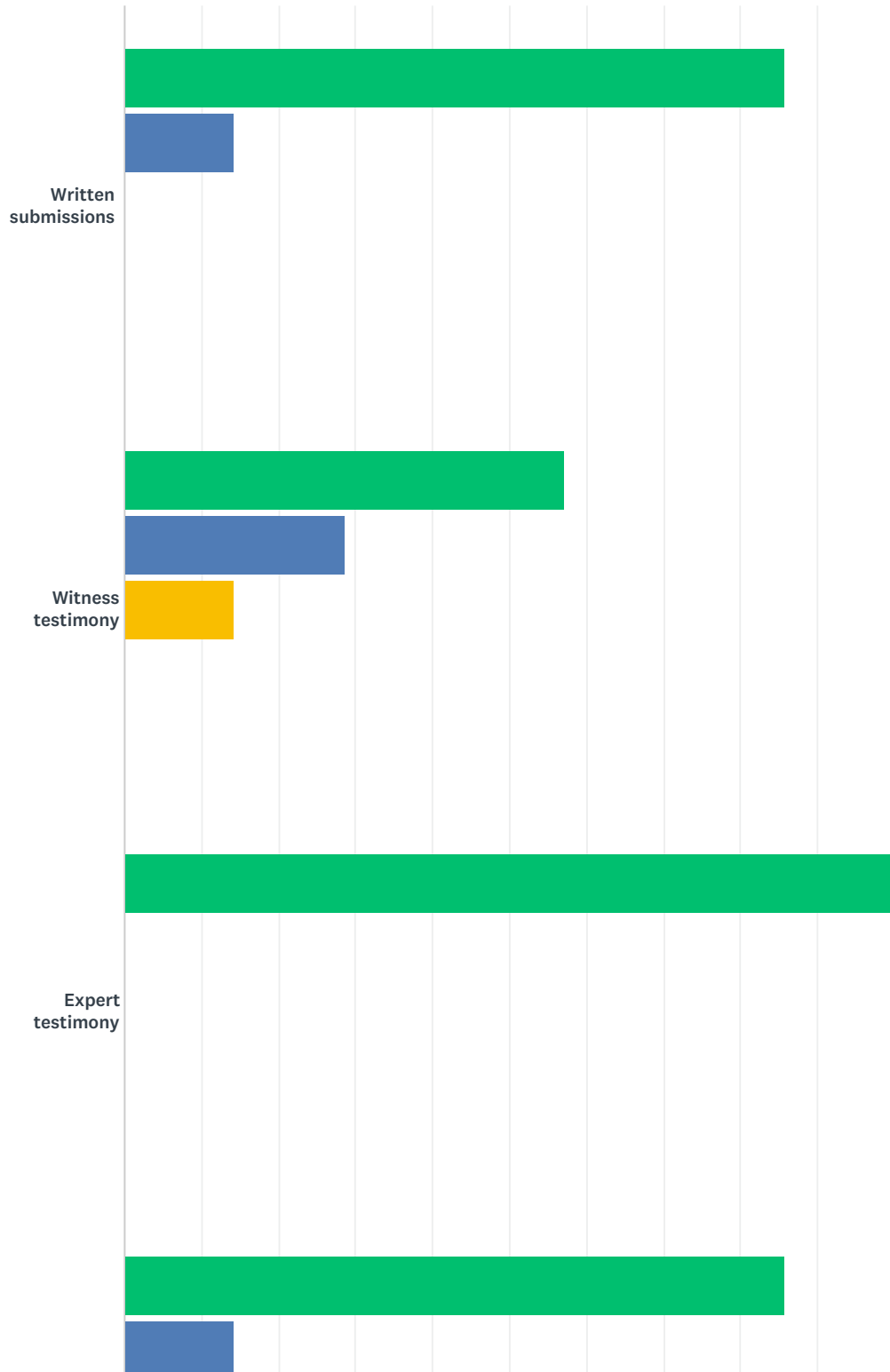
## Survey on the Law and Practice of Arbitration in the Americas



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Written submissions	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7
Witness testimony	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7
Expert testimony	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7
Pleading of case by counsel	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7

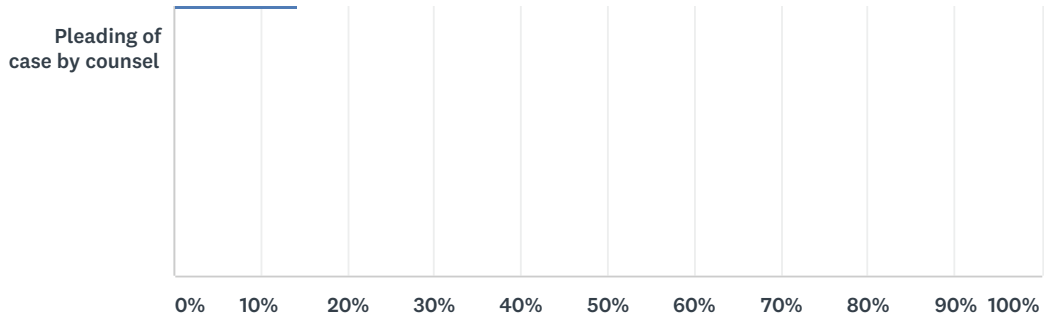
Q55 Of the international arbitrations on which you have worked in the past 5 years, in what percentage of cases were the following procedural elements bilingual/multilingual? Note: Select n/a if you have not worked on a bilingual/multilingual international arbitration in this period..

Answered: 8 Skipped: 2





## Survey on the Law and Practice of Arbitration in the Americas

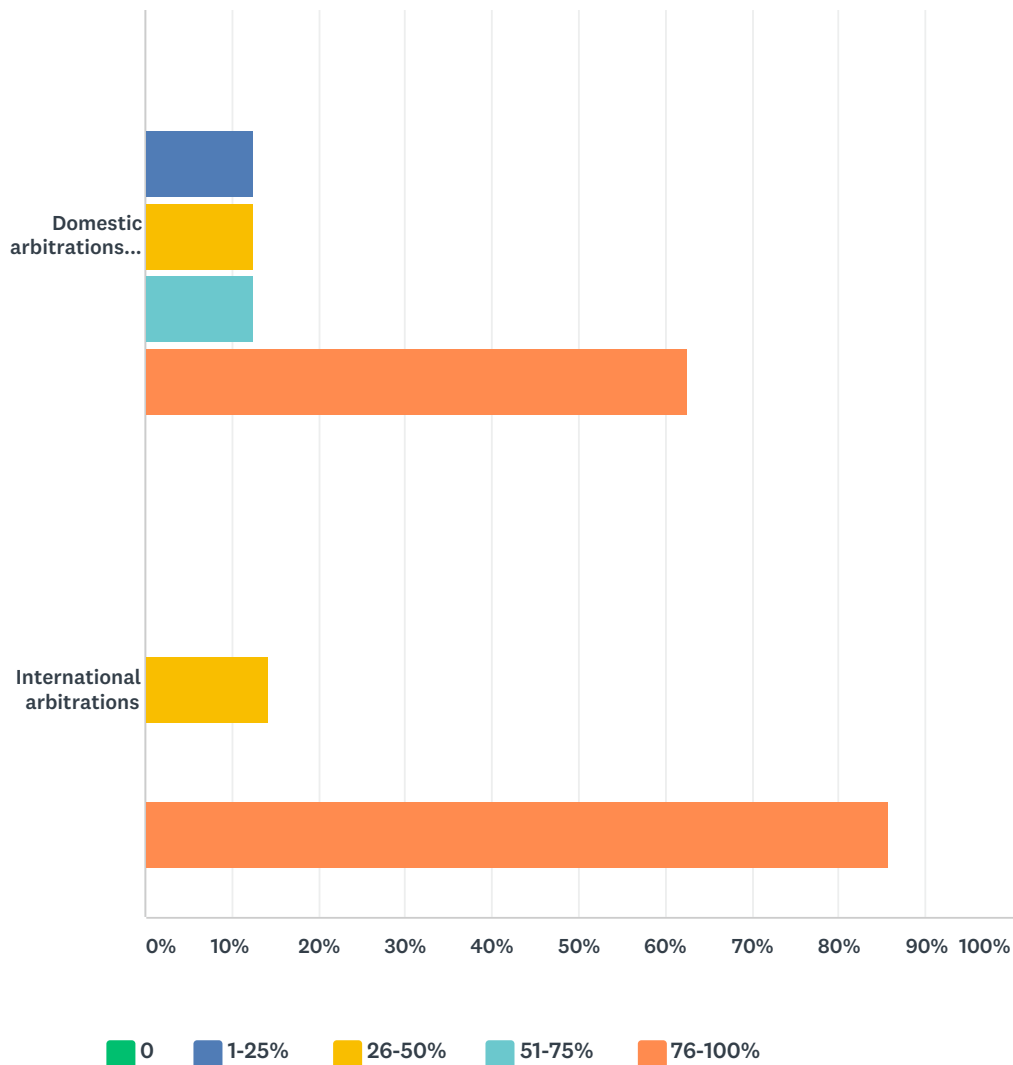


■ 0    
 ■ 1-25%    
 ■ 26-50%    
 ■ 51-75%    
 ■ 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Written submissions	85.71% 6	14.29% 1	0.00% 0	0.00% 0	0.00% 0	7
Witness testimony	57.14% 4	28.57% 2	14.29% 1	0.00% 0	0.00% 0	7
Expert testimony	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7
Pleading of case by counsel	85.71% 6	14.29% 1	0.00% 0	0.00% 0	0.00% 0	7

**Q56** In what proportion of the arbitrations on which you have worked in the past 5 years have the parties made written submissions prior to the hearing, in which they laid out the facts of the case and offered their legal arguments? Note: Select n/a if you have not worked on any relevant (i.e. domestic/international) arbitration in this period.

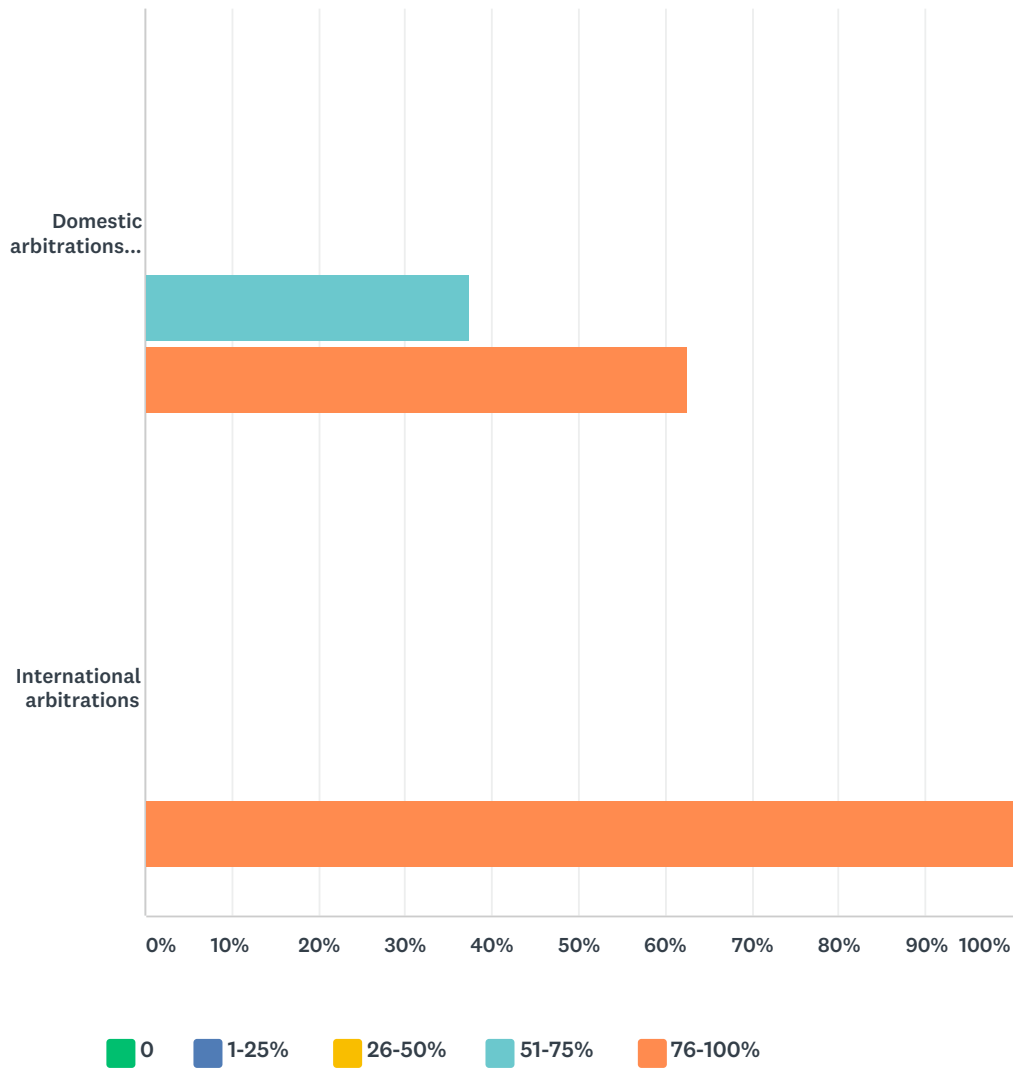
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	12.50% 1	12.50% 1	12.50% 1	62.50% 5	8
International arbitrations	0.00% 0	0.00% 0	14.29% 1	0.00% 0	85.71% 6	7

**Q57** In what proportion of the arbitrations on which you have worked in the past 5 years have the parties made written submissions after conclusion of the hearing, in which they made further legal arguments and/or addressed issues of fact in light of evidence presented in the hearings? Note: Select n/a if you have not worked on any relevant (i.e. domestic/international) arbitration in this period.

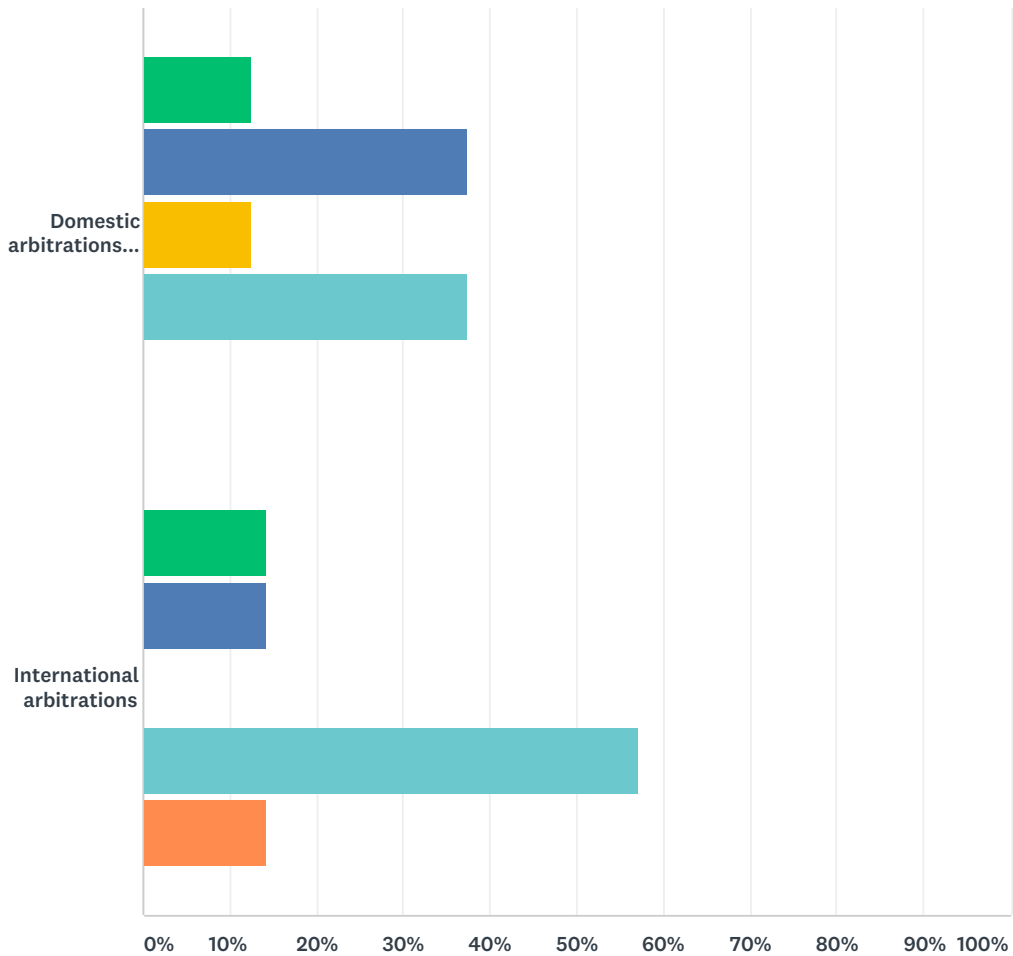
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	0.00% 0	0.00% 0	37.50% 3	62.50% 5	8
International arbitrations	0.00% 0	0.00% 0	0.00% 0	0.00% 0	100.00% 7	7

Q58 Based on your professional experience over the past 5 years, to what degree do arbitrators expect the parties to conform their oral presentations to any already-submitted written pleadings? Note: Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years.

Answered: 8 Skipped: 2



- No correlation expected
- Major issues from written pleadings must be covered, but parties can alter their argt
- All issues from written pleadings must be covered, but parties can alter their argum
- All issues from written pleadings must be covered, parties can alter their arguments
- Parties should conform their oral presentations to their written pleadings

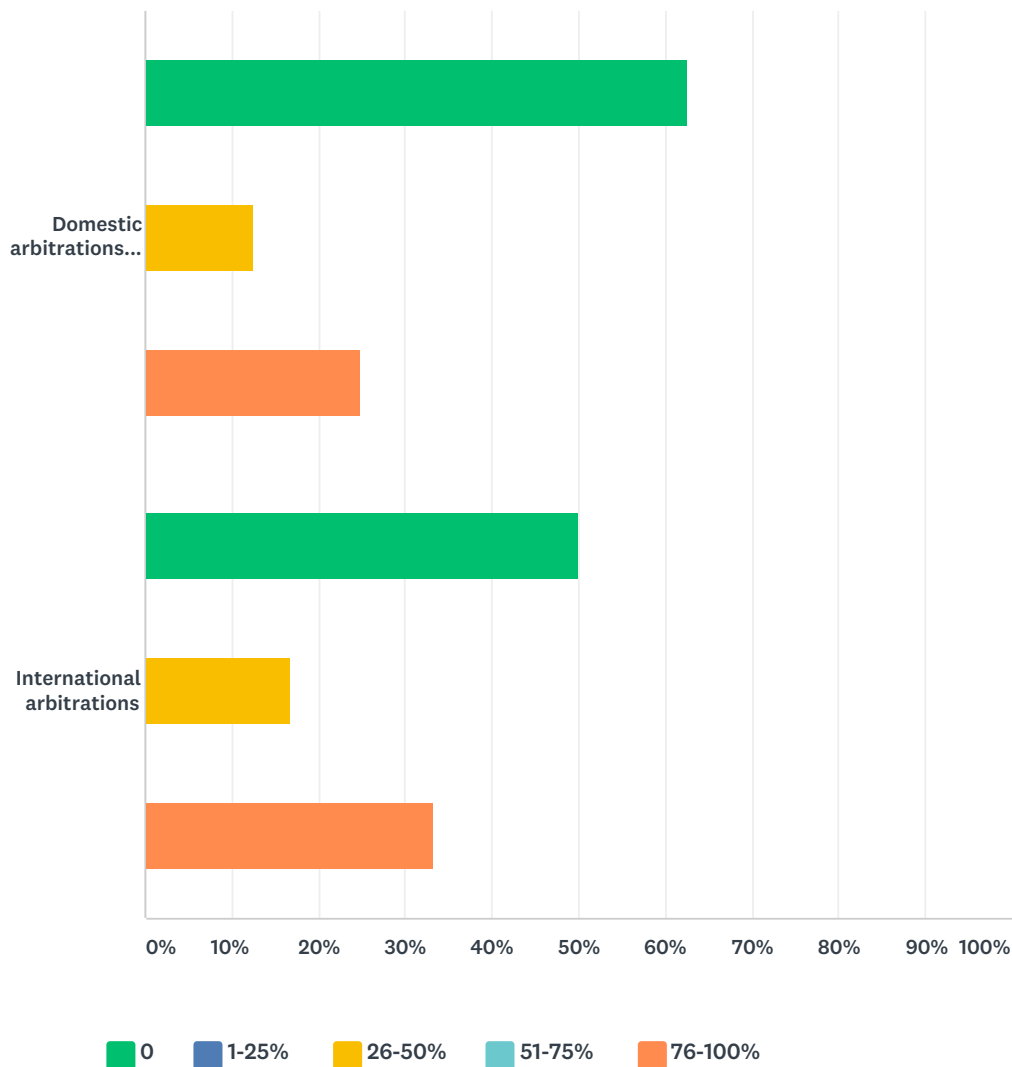
Survey on the Law and Practice of Arbitration in the Americas

	<b>NO CORRELATION EXPECTED</b>	<b>MAJOR ISSUES FROM WRITTEN PLEADINGS MUST BE COVERED, BUT PARTIES CAN ALTER THEIR ARGUMENTS ON THOSE ISSUES AND INTRODUCE NEW ISSUES</b>	<b>ALL ISSUES FROM WRITTEN PLEADINGS MUST BE COVERED, BUT PARTIES CAN ALTER THEIR ARGUMENTS ON THOSE ISSUES AND INTRODUCE NEW ISSUES</b>	<b>ALL ISSUES FROM WRITTEN PLEADINGS MUST BE COVERED, PARTIES CAN ALTER THEIR ARGUMENTS ON THOSE ISSUES, BUT CANNOT INTRODUCE NEW ISSUES</b>	<b>PARTIES SHOULD CONFORM THEIR ORAL PRESENTATIONS TO THEIR WRITTEN PLEADINGS</b>	<b>TOTAL</b>
Domestic arbitrations seated in your Country	12.50% 1	37.50% 3	12.50% 1	37.50% 3	0.00% 0	8
International arbitrations	14.29% 1	14.29% 1	0.00% 0	57.14% 4	14.29% 1	7

Q59 In what proportion of arbitrations on which you have worked in the past 5 years, in which one or more experts have offered written or verbal testimony, did the arbitral tribunal itself appoint one or more experts?

Note: Select n/a if you have not participated in the past 5 years in any relevant (i.e. domestic/international) arbitration in which expert testimony was presented. Please include both arbitrations in which only the tribunal appointed experts and those in which both the tribunal and the parties appointed experts.

Answered: 8 Skipped: 2

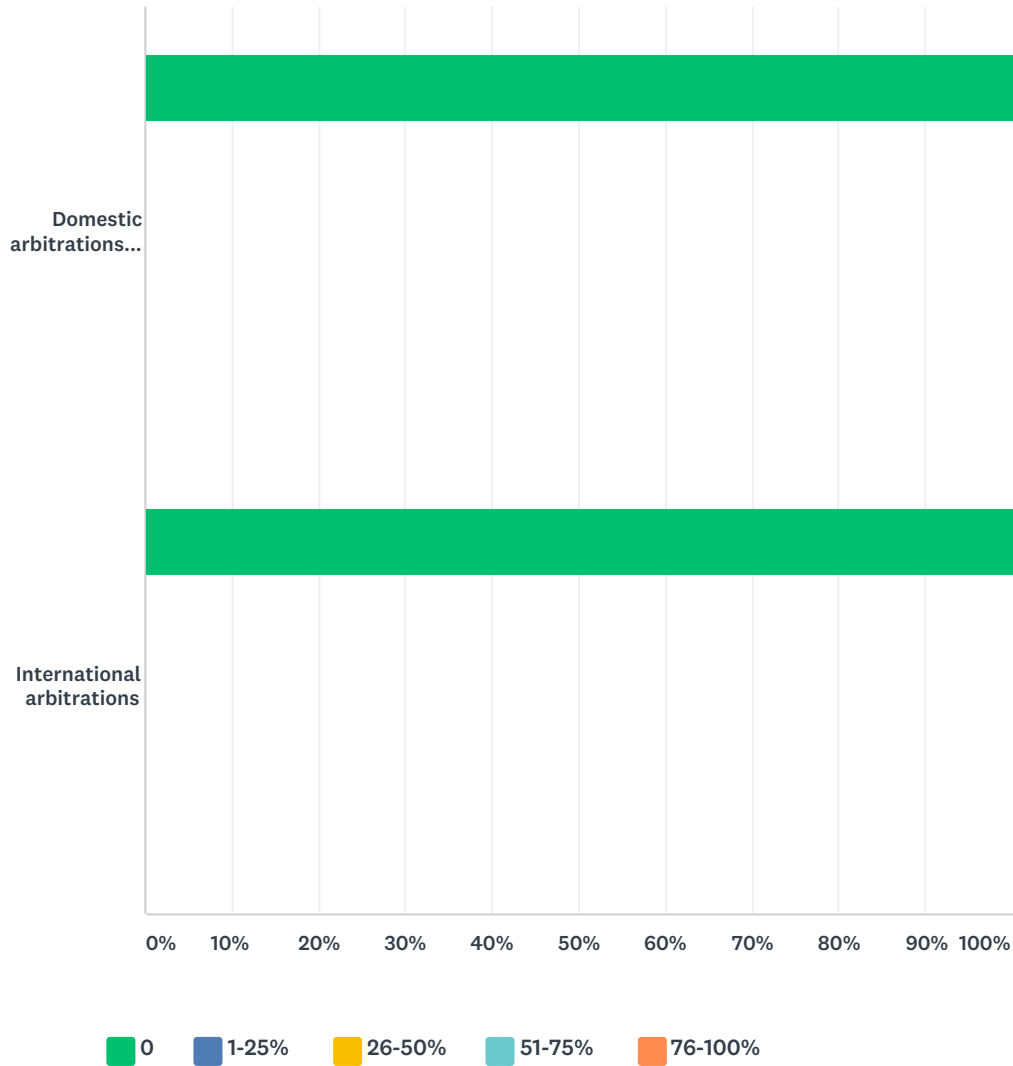


	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	62.50%	0.00%	12.50%	0.00%	25.00%	8
International arbitrations	50.00%	0.00%	16.67%	0.00%	33.33%	6

Q60 In what proportion of arbitrations on which you have worked in the past 5 years, in which one or more experts have offered written or verbal testimony, did the arbitral tribunal itself appoint all the testifying experts?

Note: Select n/a if you have not participated in the past 5 years in any relevant (i.e. domestic/international) arbitration in which expert testimony was presented.

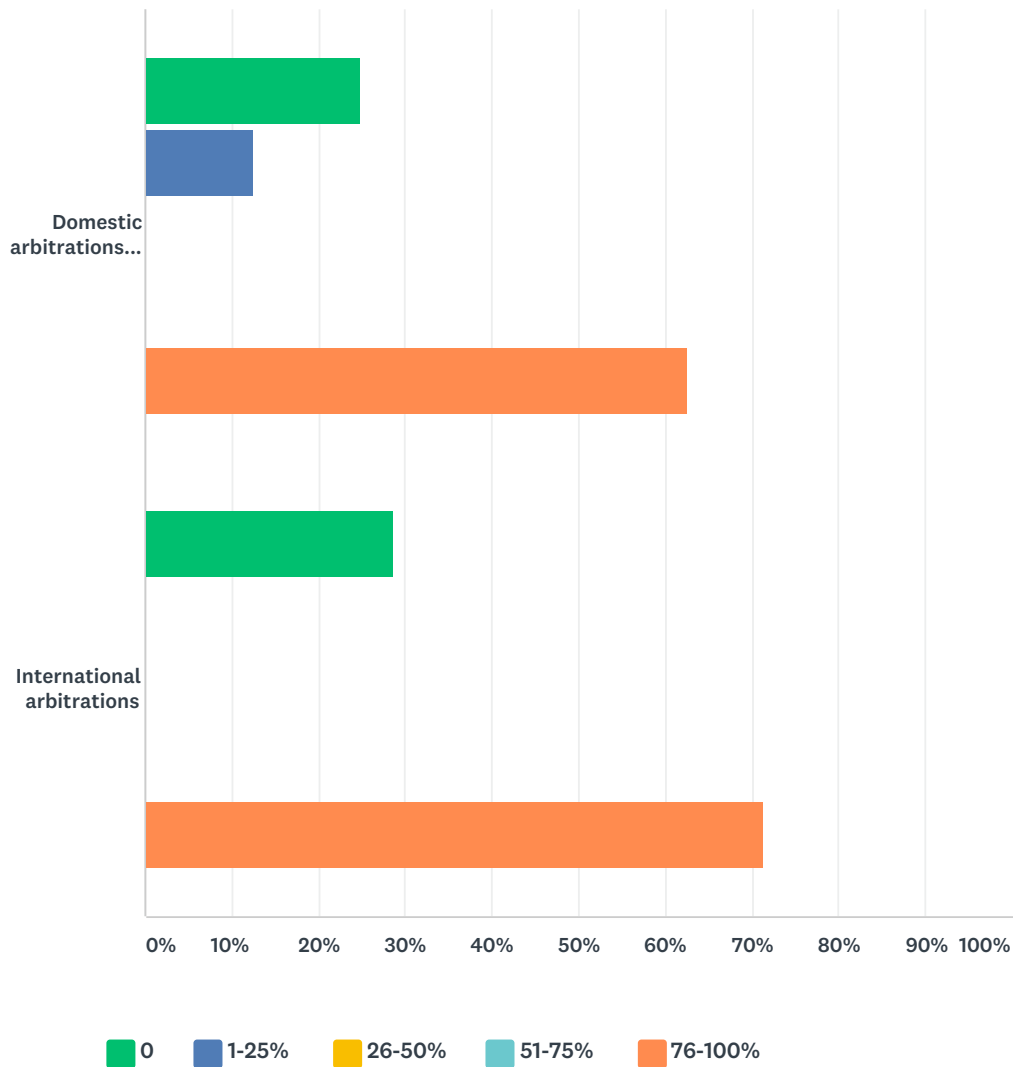
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	100.00% 8	0.00% 0	0.00% 0	0.00% 0	0.00% 0	8
International arbitrations	100.00% 6	0.00% 0	0.00% 0	0.00% 0	0.00% 0	6

Q61 In what proportion of arbitrations on which you have worked in the past 5 years did arbitrators directly question witnesses? Note: Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years. Please include only situations in which arbitrators asked substantive questions of witnesses intended to elicit new information. Do not include situations in which arbitrators merely asked for clarification of testimony given by a witness.

Answered: 8 Skipped: 2



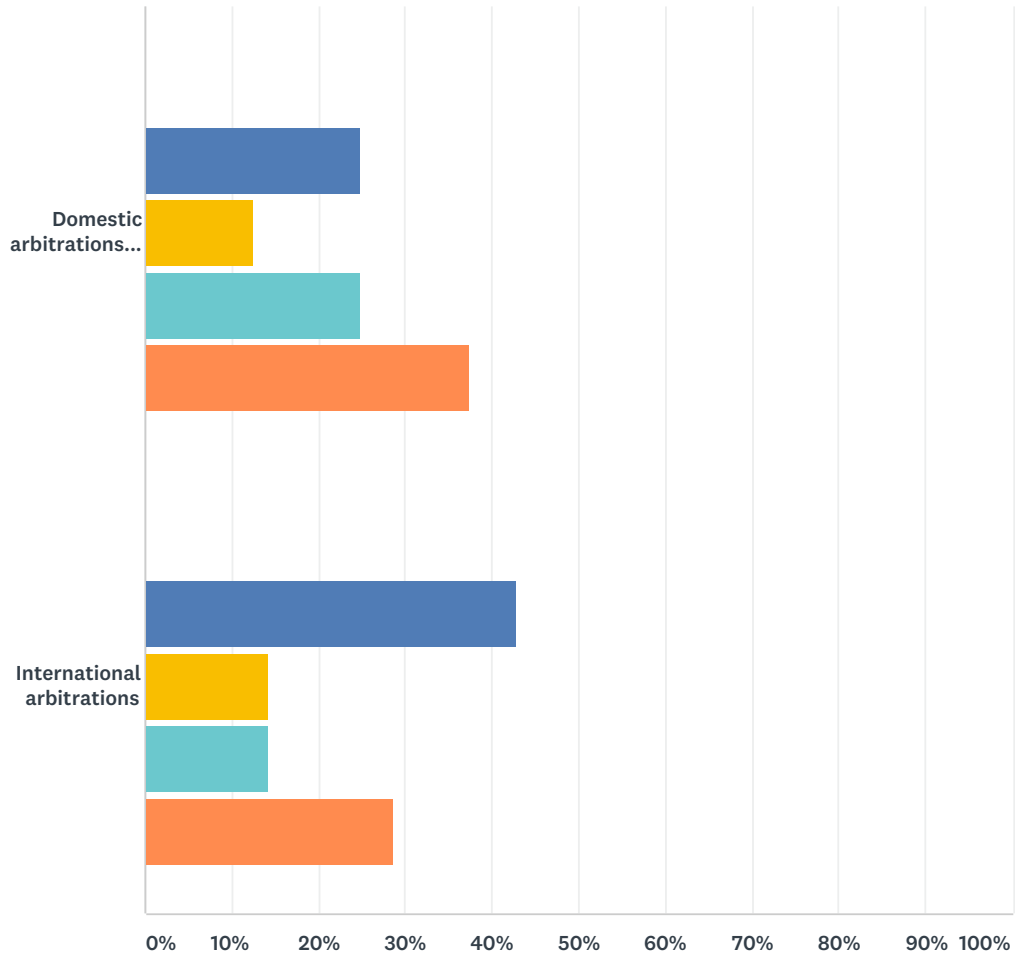
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	25.00% 2	12.50% 1	0.00% 0	0.00% 0	62.50% 5	8
International arbitrations	28.57% 2	0.00% 0	0.00% 0	0.00% 0	71.43% 5	7



Q62 Based on your professional experience over the past 5 years, would you characterise the approach taken by arbitrators in arbitrations in which you have been involved as inquisitorial or adversarial? Note: Approaches taken by individual arbitrators will, of course, vary. Please attempt nonetheless an overall characterisation that accurately describes the general trend, even though in individual cases this description might not be accurate. For the purposes of this question, a “highly inquisitorial” arbitrator will actively control the substance of the proceedings, specifying the issues to be addressed, questioning witnesses and counsel, raising arguments of his/her own, etc. By contrast, a “highly adversarial” arbitrator will leave the substance of the proceedings entirely under the control of the parties, and sees his/her role as primarily to deliver a decision at the conclusion of the proceedings, based on the evidence and arguments presented by the parties. Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years

Answered: 8 Skipped: 2

## Survey on the Law and Practice of Arbitration in the Americas

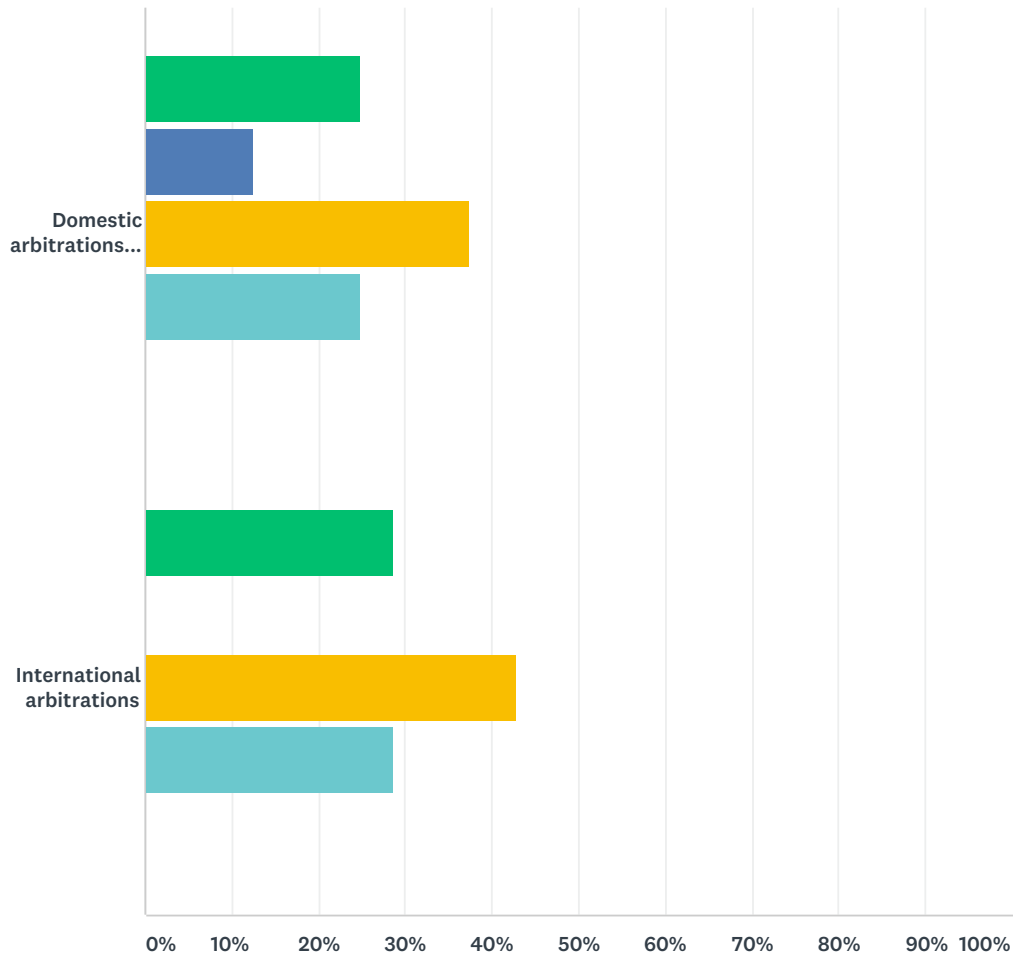


■ Highly inquisitorial   
 ■ Moderately inquisitorial   
 ■ Neutral  
■ Moderately adversarial   
 ■ Highly adversarial

	HIGHLY INQUISITORIAL	MODERATELY INQUISITORIAL	NEUTRAL	MODERATELY ADVERSARIAL	HIGHLY ADVERSARIAL	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	25.00% 2	12.50% 1	25.00% 2	37.50% 3	8
International arbitrations	0.00% 0	42.86% 3	14.29% 1	14.29% 1	28.57% 2	7

### Q63 To what degree is arbitrator availability a cause of delay with respect to scheduling of hearings or other proceedings requiring in-person participation by arbitrators?

Answered: 8 Skipped: 2

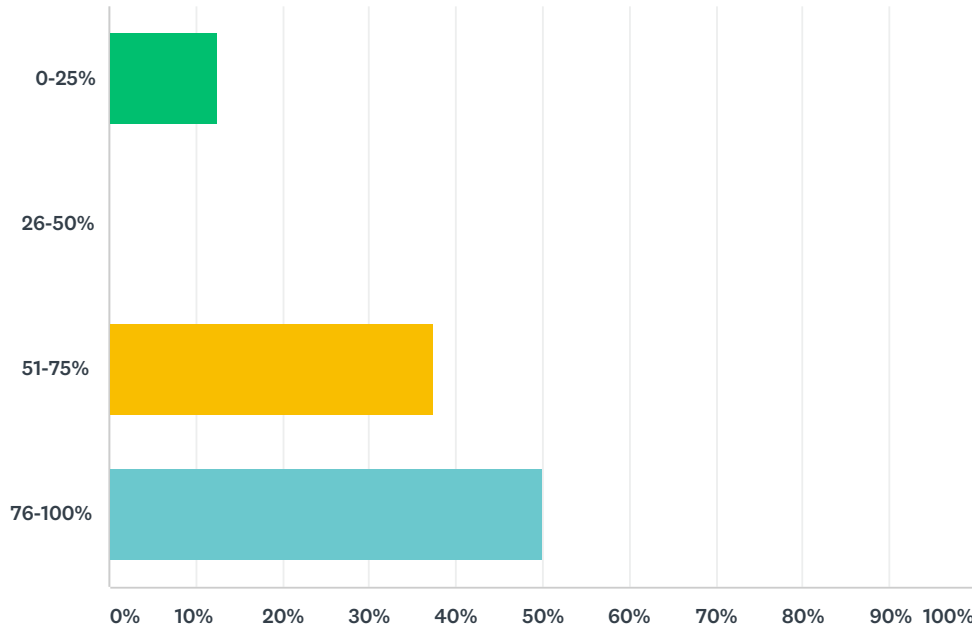


■ not a notable cause   
 ■ a minor cause   
 ■ an average cause  
■ a significant cause   
 ■ a serious cause

	NOT A NOTABLE CAUSE	A MINOR CAUSE	AN AVERAGE CAUSE	A SIGNIFICANT CAUSE	A SERIOUS CAUSE	TOTAL
Domestic arbitrations seated in your Country	25.00% 2	12.50% 1	37.50% 3	25.00% 2	0.00% 0	8
International arbitrations	28.57% 2	0.00% 0	42.86% 3	28.57% 2	0.00% 0	7

**Q64** Based on your professional experience, what proportion of domestic arbitrations seated in your Country, that commenced in the past 5 years, do you estimate have been conducted on an ad hoc basis (i.e. without using the services of an arbitral institution)?

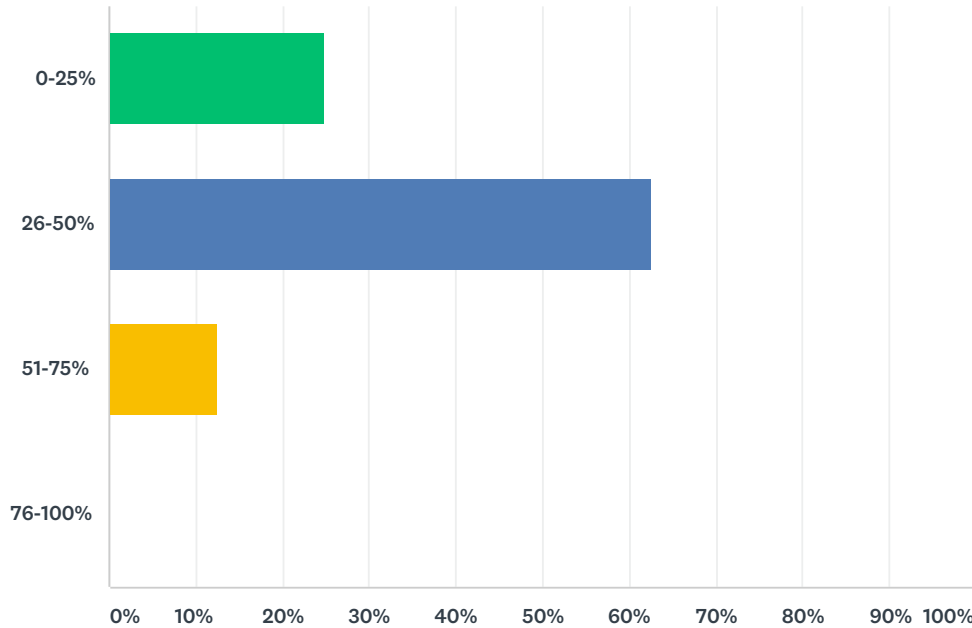
Answered: 8 Skipped: 2



ANSWER CHOICES	RESPONSES
0-25%	12.50% 1
26-50%	0.00% 0
51-75%	37.50% 3
76-100%	50.00% 4
<b>TOTAL</b>	<b>8</b>

**Q65** Based on your professional experience, what proportion of international arbitrations seated in your Country, that commenced in the past 5 years, do you estimate have been conducted on an ad hoc basis (i.e. without using the services of an arbitral institution).

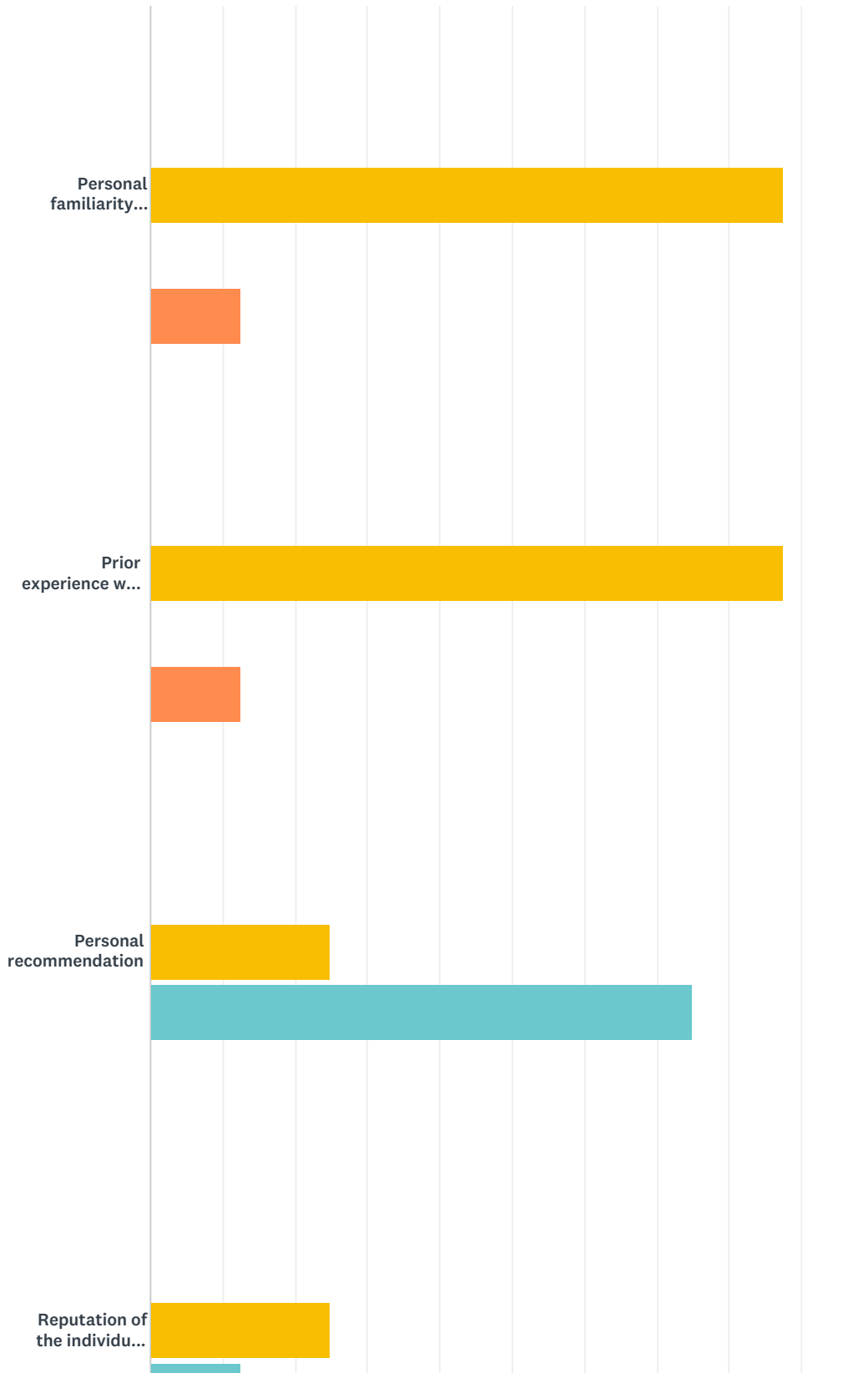
Answered: 8 Skipped: 2



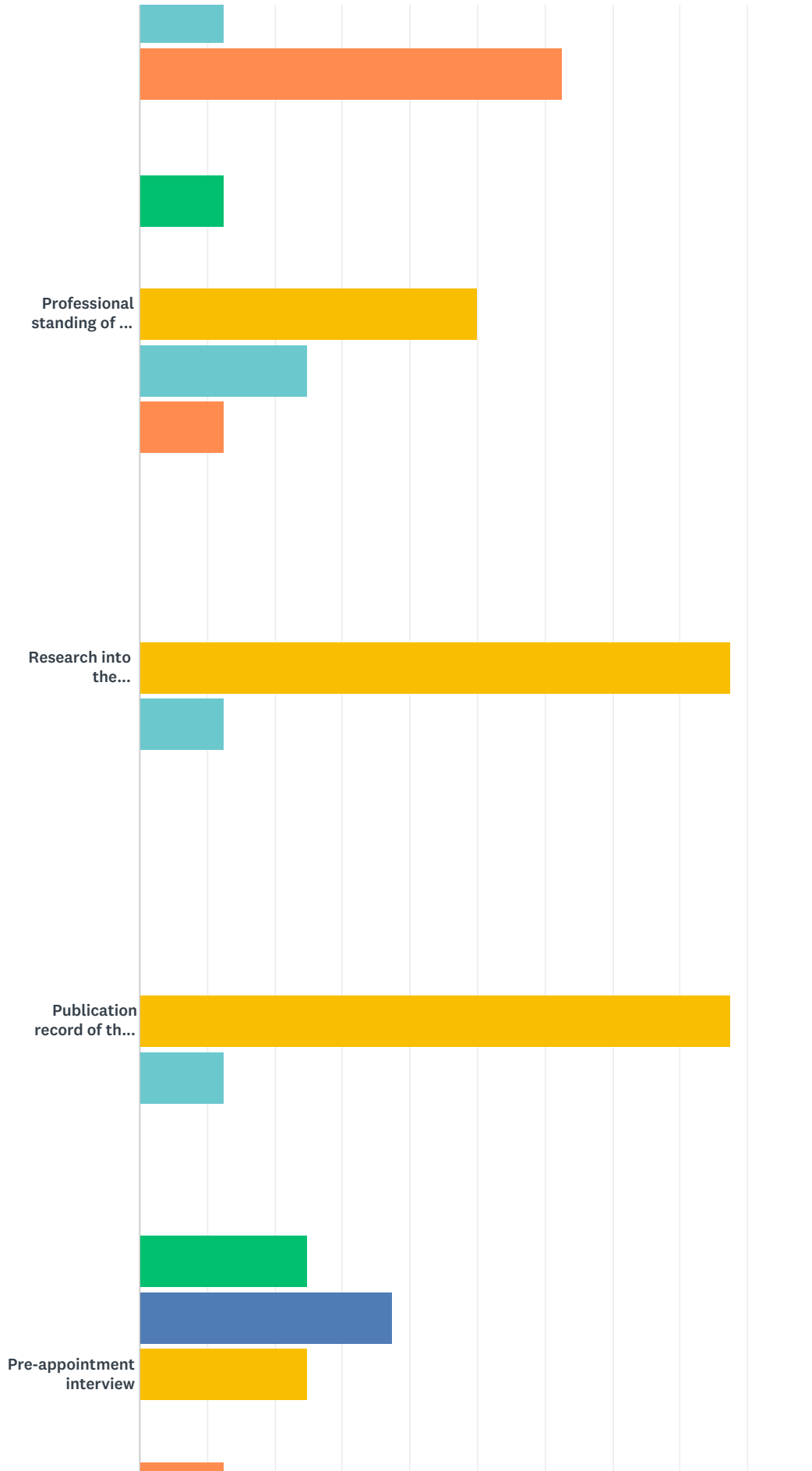
ANSWER CHOICES	RESPONSES	
0-25%	25.00%	2
26-50%	62.50%	5
51-75%	12.50%	1
76-100%	0.00%	0
<b>TOTAL</b>		<b>8</b>

### Q66 Based on your professional experience, evaluate the following in terms of their importance in the selection of a party-nominated arbitrator:

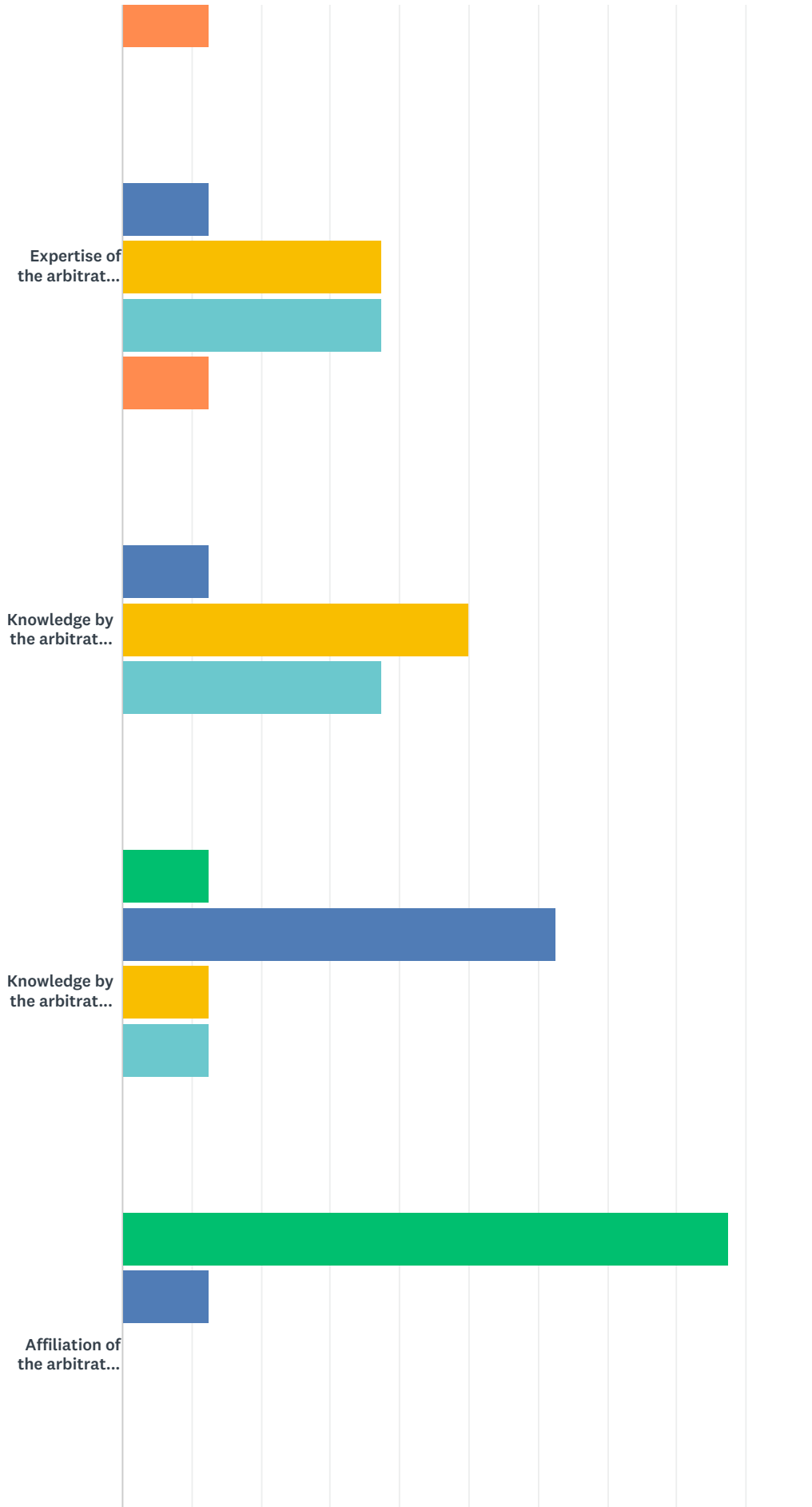
Answered: 8 Skipped: 2



# Survey on the Law and Practice of Arbitration in the Americas

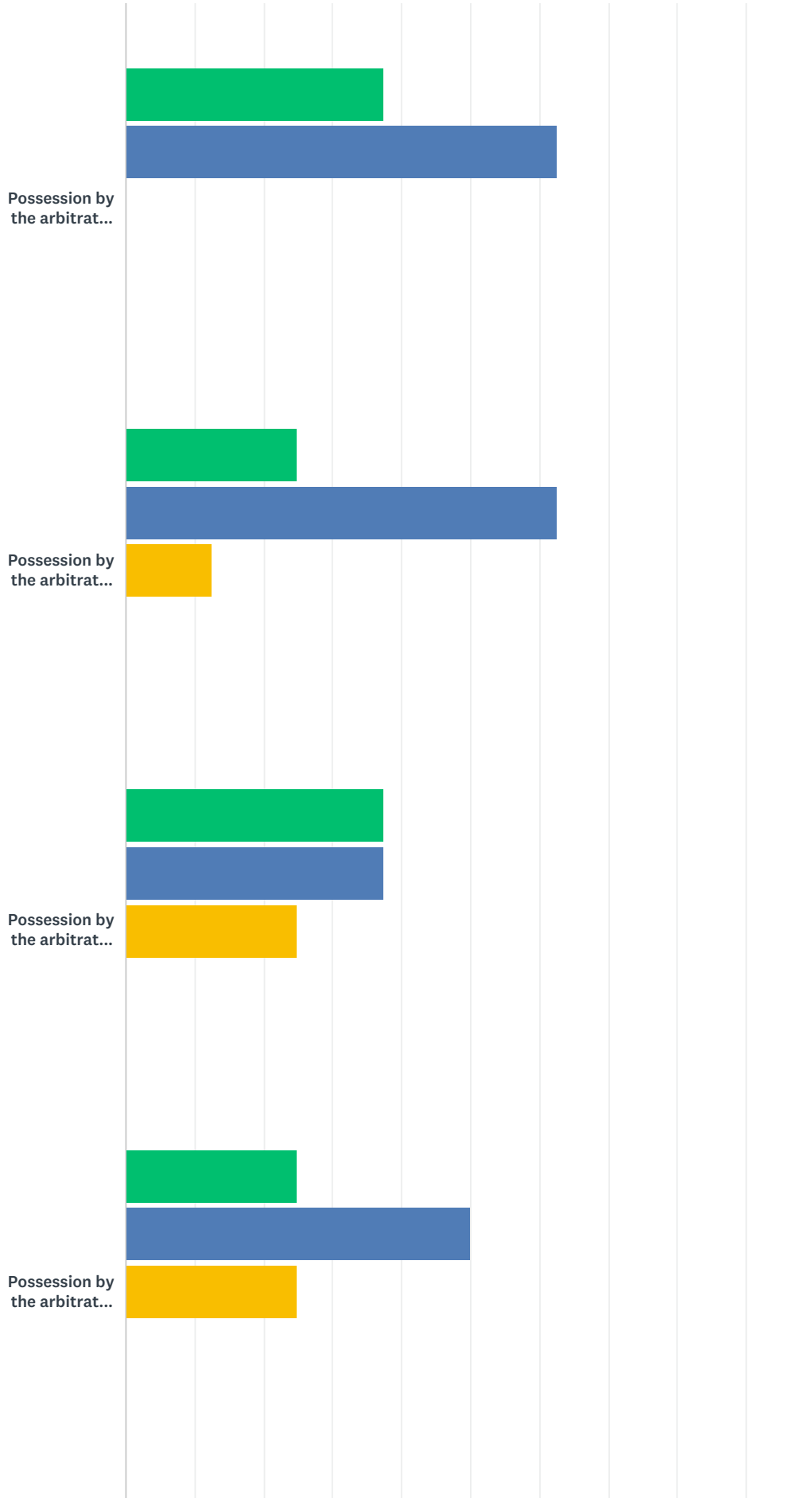


Survey on the Law and Practice of Arbitration in the Americas

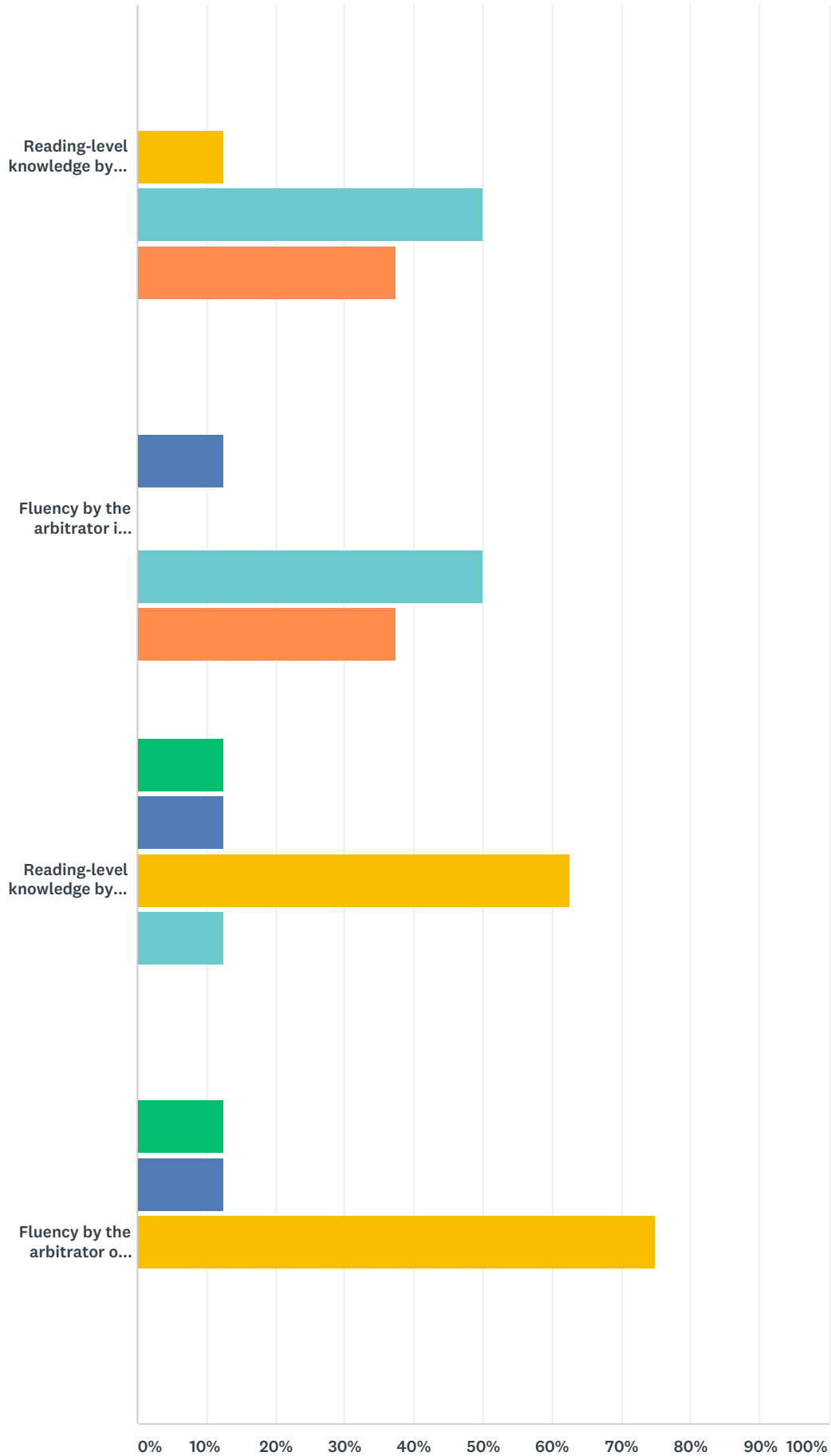




Survey on the Law and Practice of Arbitration in the Americas



# Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas

■ irrelevant    ■ very minor consideration    ■ relevant consideration  
■ important    ■ extremely important

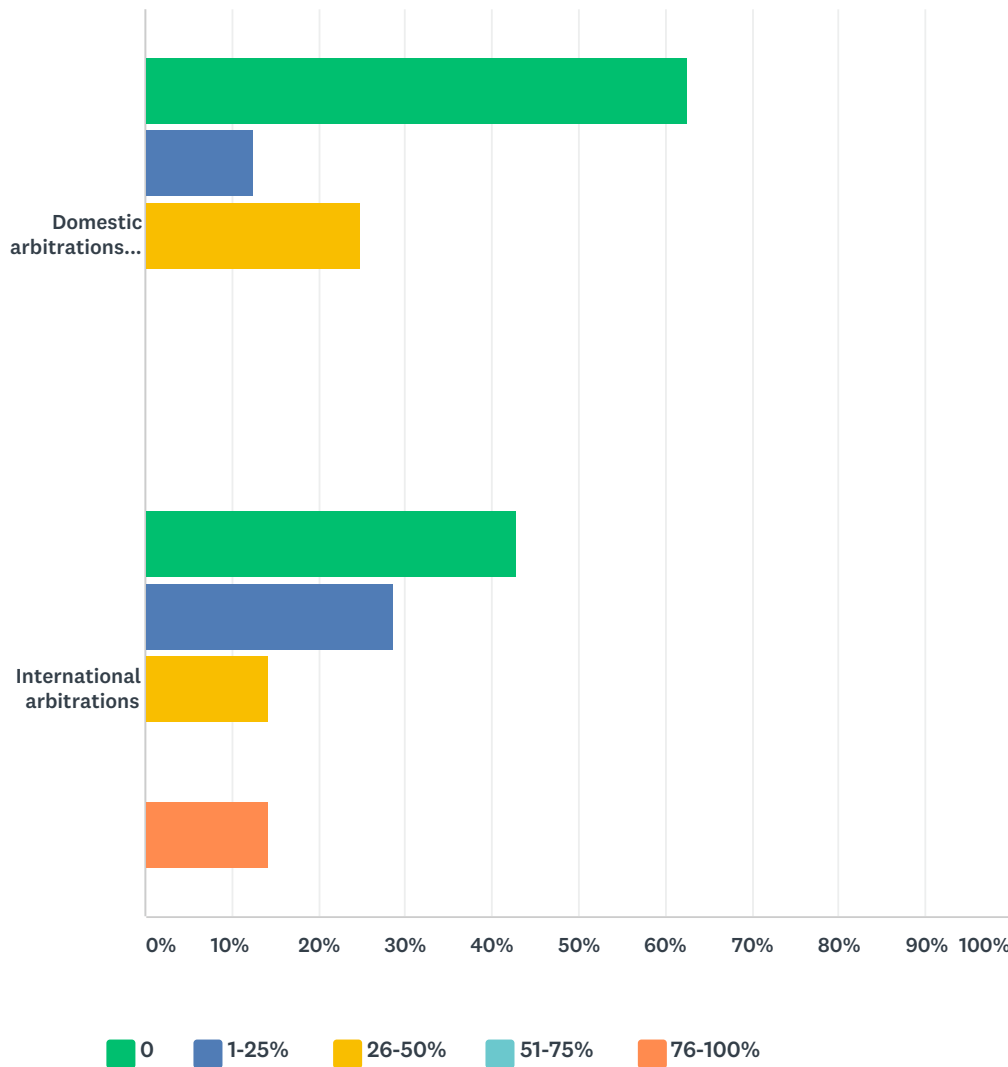
	IRRELEVANT	VERY MINOR CONSIDERATION	RELEVANT CONSIDERATION	IMPORTANT	EXTREMELY IMPORTANT	TOTAL
Personal familiarity with the arbitrator	0.00% 0	0.00% 0	87.50% 7	0.00% 0	12.50% 1	8
Prior experience with the individual as an arbitrator	0.00% 0	0.00% 0	87.50% 7	0.00% 0	12.50% 1	8
Personal recommendation	0.00% 0	0.00% 0	25.00% 2	75.00% 6	0.00% 0	8
Reputation of the individual as an arbitrator	0.00% 0	0.00% 0	25.00% 2	12.50% 1	62.50% 5	8
Professional standing of the arbitrator in the Country in which enforcement of the award is expected	12.50% 1	0.00% 0	50.00% 4	25.00% 2	12.50% 1	8
Research into the arbitrator's publications, public statements and available awards	0.00% 0	0.00% 0	87.50% 7	12.50% 1	0.00% 0	8
Publication record of the arbitrator on topics in arbitration, even if not directly relevant to the dispute	0.00% 0	0.00% 0	87.50% 7	12.50% 1	0.00% 0	8
Pre-appointment interview	25.00% 2	37.50% 3	25.00% 2	0.00% 0	12.50% 1	8
Expertise of the arbitrator in the subject matter of the dispute	0.00% 0	12.50% 1	37.50% 3	37.50% 3	12.50% 1	8
Knowledge by the arbitrator of the law of the seat	0.00% 0	12.50% 1	50.00% 4	37.50% 3	0.00% 0	8
Knowledge by the arbitrator of the law of the Country in which enforcement of the award is expected	12.50% 1	62.50% 5	12.50% 1	12.50% 1	0.00% 0	8
Affiliation of the arbitrator with a law school, whether in terms of a regular appointment or periodic lecturing	87.50% 7	12.50% 1	0.00% 0	0.00% 0	0.00% 0	8
Possession by the arbitrator of the ACI Arb (Associate of the Chartered Institute of Arbitrators) qualification	37.50% 3	62.50% 5	0.00% 0	0.00% 0	0.00% 0	8
Possession by the arbitrator of the MCI Arb (Member of the Chartered Institute of Arbitrators) qualification	25.00% 2	62.50% 5	12.50% 1	0.00% 0	0.00% 0	8
Possession by the arbitrator of the FCI Arb (Fellow of the Chartered Institute of Arbitrators) qualification	37.50% 3	37.50% 3	25.00% 2	0.00% 0	0.00% 0	8
Possession by the arbitrator of the status of Chartered Arbitrator	25.00% 2	50.00% 4	25.00% 2	0.00% 0	0.00% 0	8

## Survey on the Law and Practice of Arbitration in the Americas

Reading-level knowledge by the arbitrator of the language of your client	0.00% 0	0.00% 0	12.50% 1	50.00% 4	37.50% 3	8
Fluency by the arbitrator in the language of your client	0.00% 0	12.50% 1	0.00% 0	50.00% 4	37.50% 3	8
Reading-level knowledge by the arbitrator of the language of the party in the arbitration that is not your client	12.50% 1	12.50% 1	62.50% 5	12.50% 1	0.00% 0	8
Fluency by the arbitrator of the language in the party in the arbitration that is not your client	12.50% 1	12.50% 1	75.00% 6	0.00% 0	0.00% 0	8

Q67 In what proportion of arbitrations on which you have worked in the past 5 years did one of the parties challenge an arbitrator, seeking to prevent his/her appointment to the tribunal or continued service on the tribunal? Note: Do not include arbitrations in which enforcement of the final award was challenged on the basis of the service on the tribunal of a particular arbitrator. Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years.

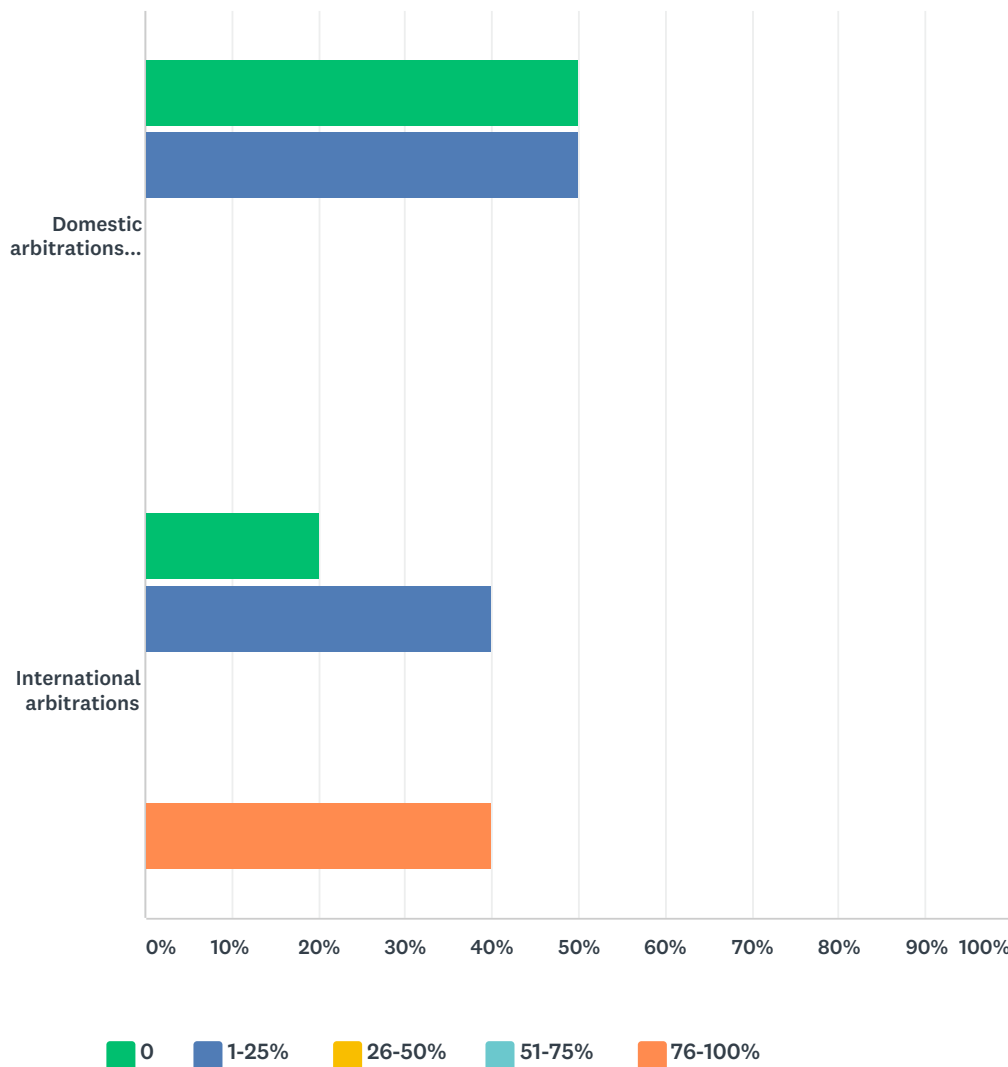
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	62.50%	12.50%	25.00%	0.00%	0.00%	8
International arbitrations	42.86%	28.57%	14.29%	0.00%	14.29%	7

Q68 In what proportion of those arbitrations on which you have worked in the past 5 years in which a challenge was made to one or more arbitrators was that challenge upheld (i.e. the arbitrator was not allowed to serve or continue serving on the tribunal)? Note: Do not include arbitrations in which a challenged arbitrator resigned prior to the challenge being formally resolved. Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years in which a challenge was made to an arbitrator.

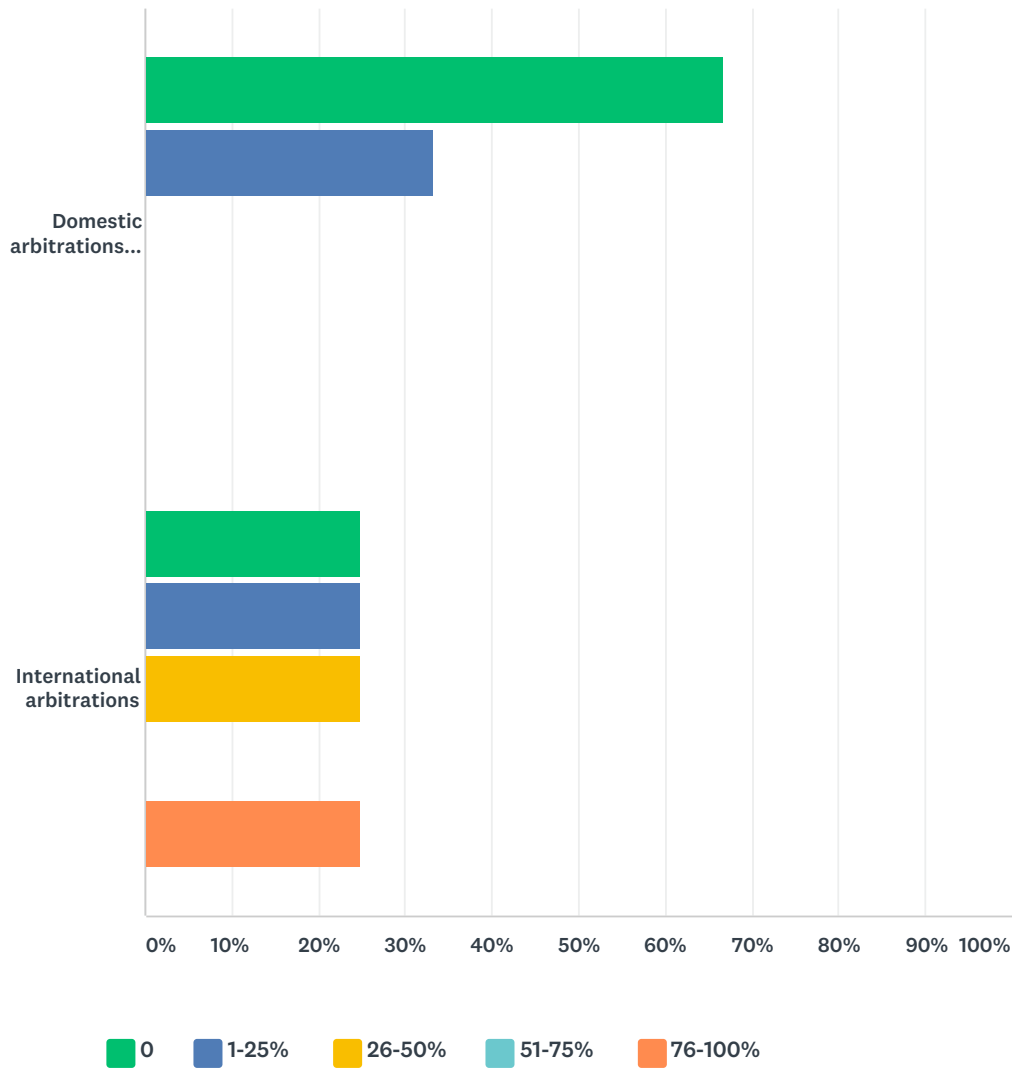
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	50.00% 2	50.00% 2	0.00% 0	0.00% 0	0.00% 0	4
International arbitrations	20.00% 1	40.00% 2	0.00% 0	0.00% 0	40.00% 2	5

**Q69** In what proportion of those arbitrations on which you have worked in the past 5 years in which a challenge was made to one or more arbitrators, did the challenged arbitrator resign prior to the challenge being formally resolved? Note: Select n/a if you did not participate in any relevant (i.e. domestic/international) arbitrations in the past 5 years in which a challenge was made to an arbitrator.

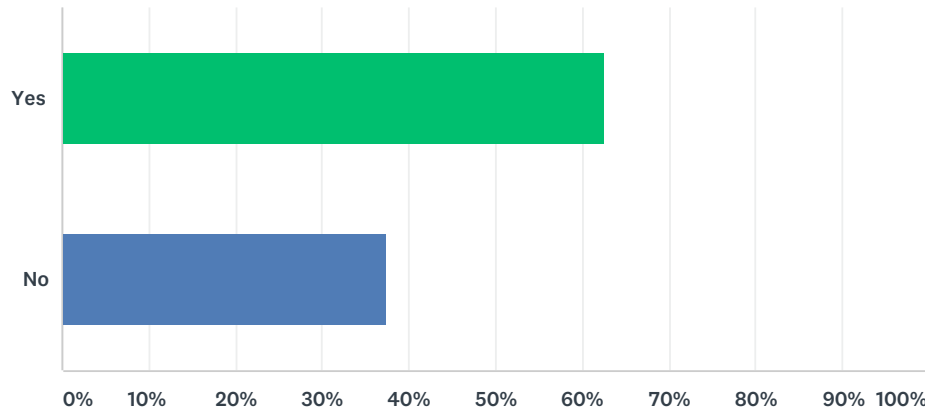
Answered: 8 Skipped: 2



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	66.67% 2	33.33% 1	0.00% 0	0.00% 0	0.00% 0	3
International arbitrations	25.00% 1	25.00% 1	25.00% 1	0.00% 0	25.00% 1	4

## Q70 Have you served as an arbitrator in the past 5 years?

Answered: 8 Skipped: 2

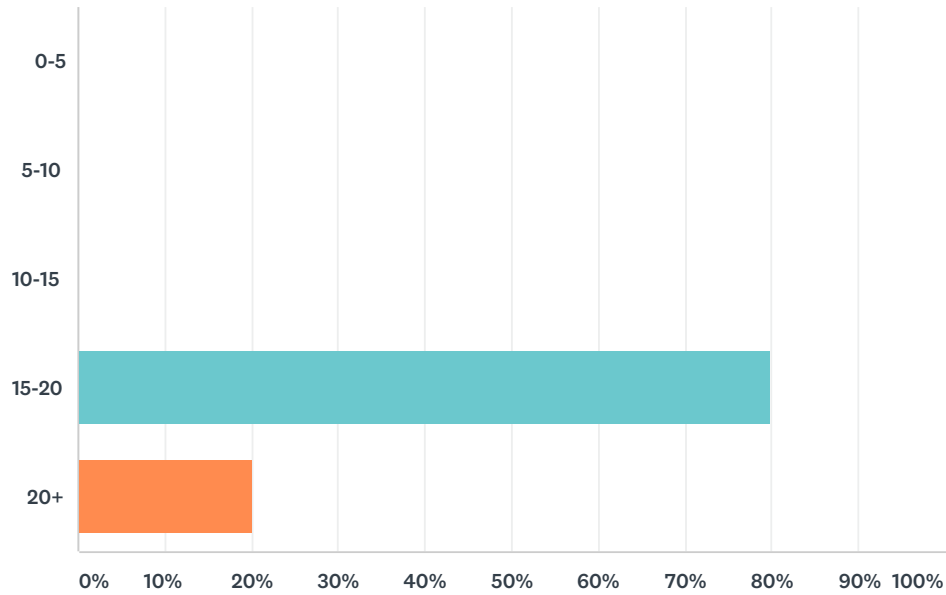


ANSWER CHOICES	RESPONSES	
Yes	62.50%	5
No	37.50%	3
TOTAL		8



## Q71 How many years had you worked in your profession before your first appointment as arbitrator?

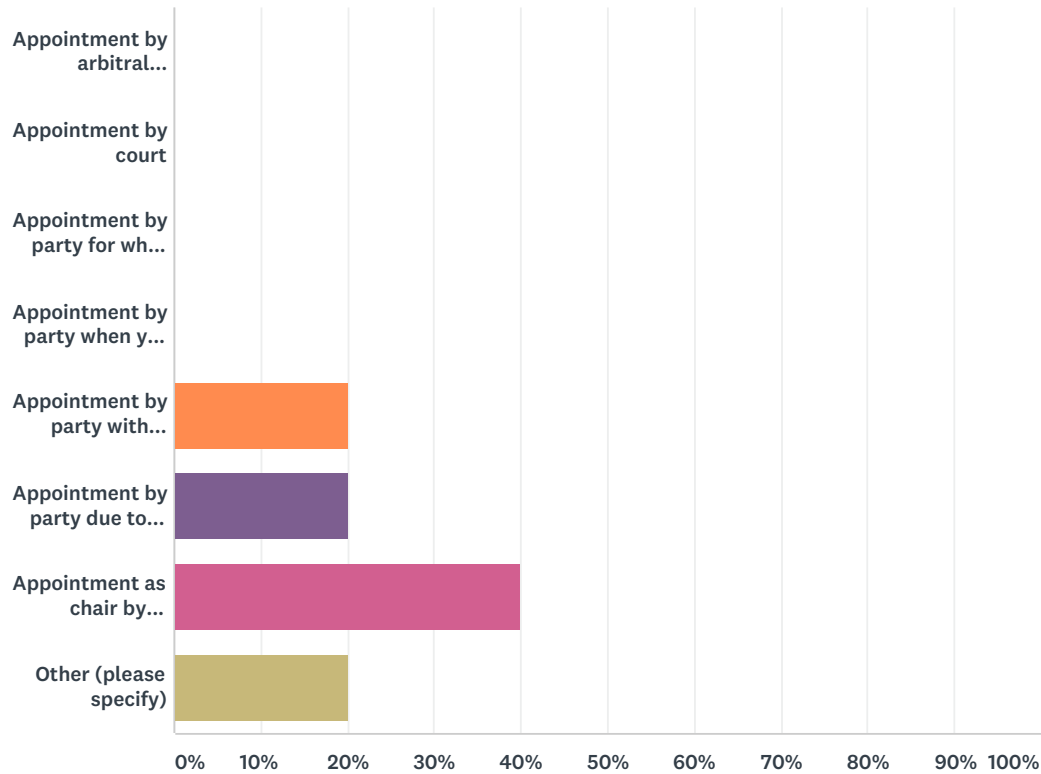
Answered: 5 Skipped: 5



ANSWER CHOICES	RESPONSES	
0-5	0.00%	0
5-10	0.00%	0
10-15	0.00%	0
15-20	80.00%	4
20+	20.00%	1
<b>TOTAL</b>		<b>5</b>

## Q72 How did you receive your first appointment as arbitrator?

Answered: 5 Skipped: 5

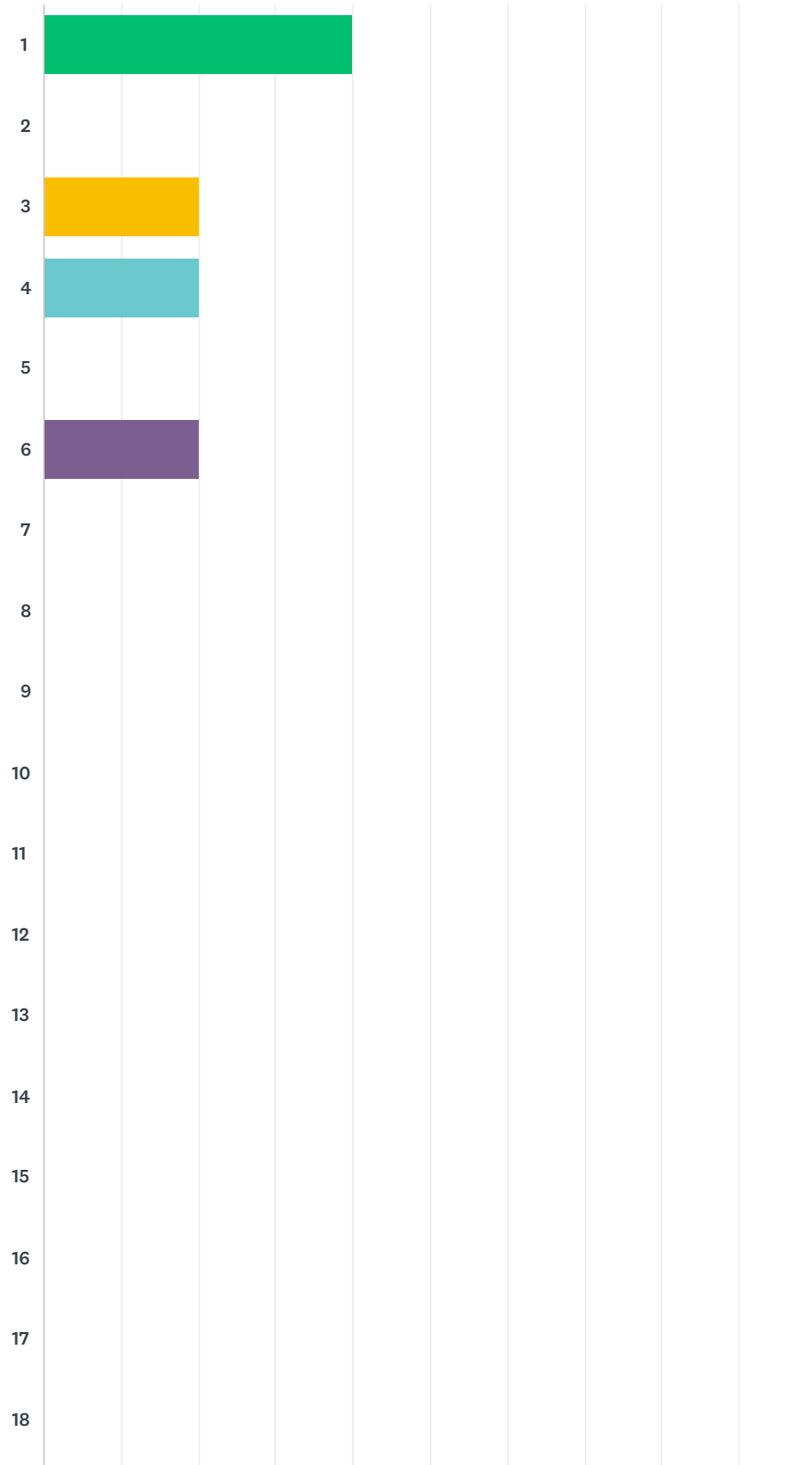


ANSWER CHOICES	RESPONSES
Appointment by arbitral institution	0.00% 0
Appointment by court	0.00% 0
Appointment by party for whom you had previously performed work	0.00% 0
Appointment by party when you had previously performed work for a related entity (e.g. parent, subsidiary, government department)	0.00% 0
Appointment by party with which you had no previous connection	20.00% 1
Appointment by party due to a social connection with a representative of the party	20.00% 1
Appointment as chair by parties or party-nominated arbitrators	40.00% 2
Other (please specify)	20.00% 1
<b>TOTAL</b>	<b>5</b>

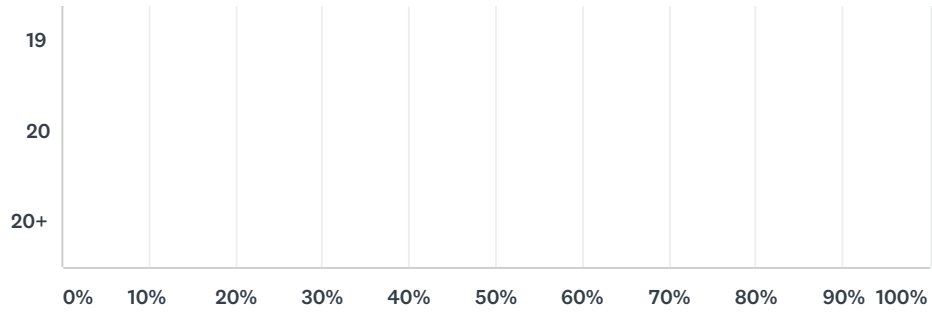
#	OTHER (PLEASE SPECIFY)	DATE
1	appointed on recommendation of counsel to party	9/1/2016 11:07 PM

Q73 On average over the past 5 years, how many new appointments as arbitrator have you accepted per year? Please select a number.

Answered: 5 Skipped: 5



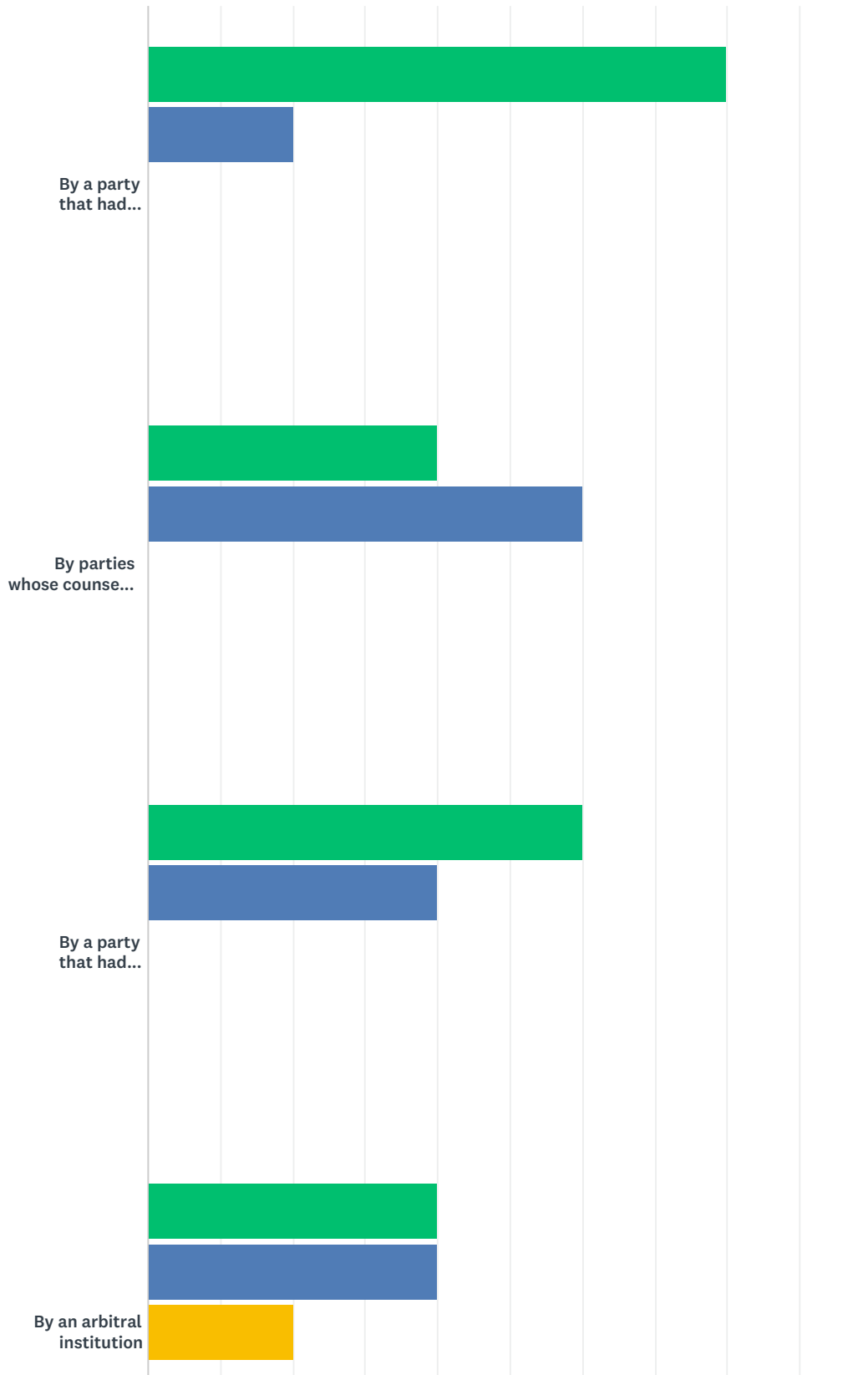
## Survey on the Law and Practice of Arbitration in the Americas



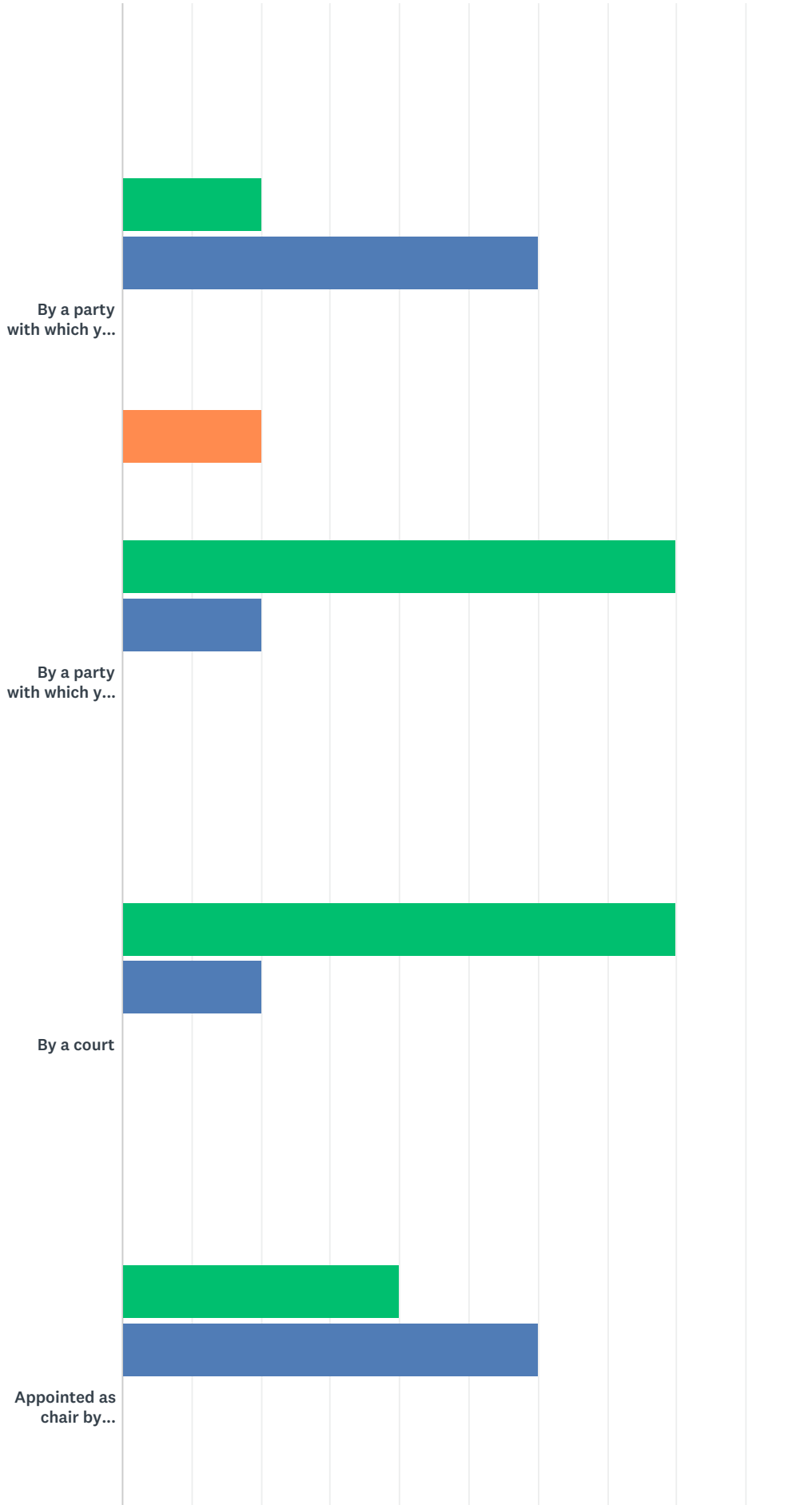
ANSWER CHOICES	RESPONSES	
1	40.00%	2
2	0.00%	0
3	20.00%	1
4	20.00%	1
5	0.00%	0
6	20.00%	1
7	0.00%	0
8	0.00%	0
9	0.00%	0
10	0.00%	0
11	0.00%	0
12	0.00%	0
13	0.00%	0
14	0.00%	0
15	0.00%	0
16	0.00%	0
17	0.00%	0
18	0.00%	0
19	0.00%	0
20	0.00%	0
20+	0.00%	0
<b>TOTAL</b>		<b>5</b>

### Q74 Over the past 5 years, how many of your appointments as arbitrator have best been described by the following categories?

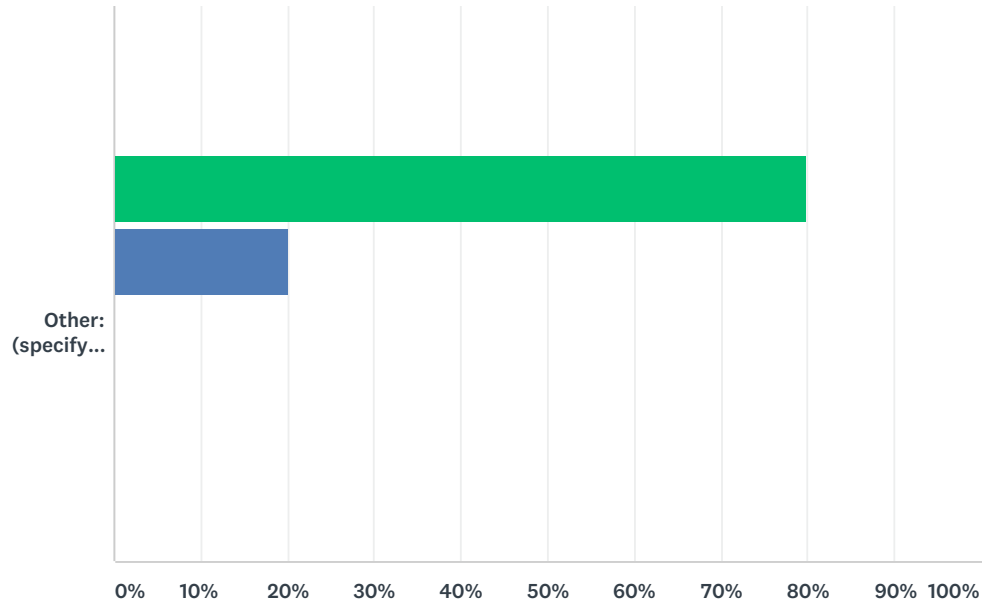
Answered: 5 Skipped: 5



Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas



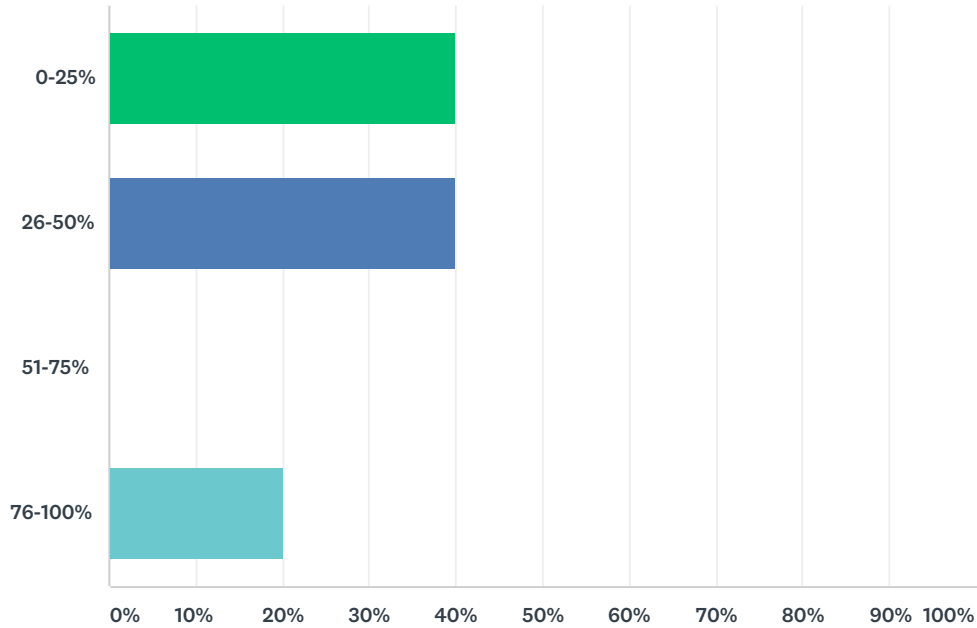
■ 0   
 ■ 1-25%   
 ■ 26-50%   
 ■ 51-75%   
 ■ 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
By a party that had previously appointed you as an arbitrator	80.00% 4	20.00% 1	0.00% 0	0.00% 0	0.00% 0	5
By parties whose counsel had previously represented a party that appointed you as arbitrator	40.00% 2	60.00% 3	0.00% 0	0.00% 0	0.00% 0	5
By a party that had previously participated in an arbitration in which you were appointed by the opposing party	60.00% 3	40.00% 2	0.00% 0	0.00% 0	0.00% 0	5
By an arbitral institution	40.00% 2	40.00% 2	20.00% 1	0.00% 0	0.00% 0	5
By a party with which you had no previous contact	20.00% 1	60.00% 3	0.00% 0	0.00% 0	20.00% 1	5
By a party with which your connection was a social connection with a representative of that party	80.00% 4	20.00% 1	0.00% 0	0.00% 0	0.00% 0	5
By a court	80.00% 4	20.00% 1	0.00% 0	0.00% 0	0.00% 0	5
Appointed as chair by party-nominated arbitrators	40.00% 2	60.00% 3	0.00% 0	0.00% 0	0.00% 0	5
Other: (specify category in the box below)	80.00% 4	20.00% 1	0.00% 0	0.00% 0	0.00% 0	5

#	PLEASE SPECIFY WHAT "OTHER" MEANS	DATE
1	Joint appointment by counsel for the parties	6/22/2016 4:39 PM

### Q75 On average over the past 5 years, in terms of the number of hours worked per year, what proportion of your work was devoted to serving as arbitrator?

Answered: 5 Skipped: 5

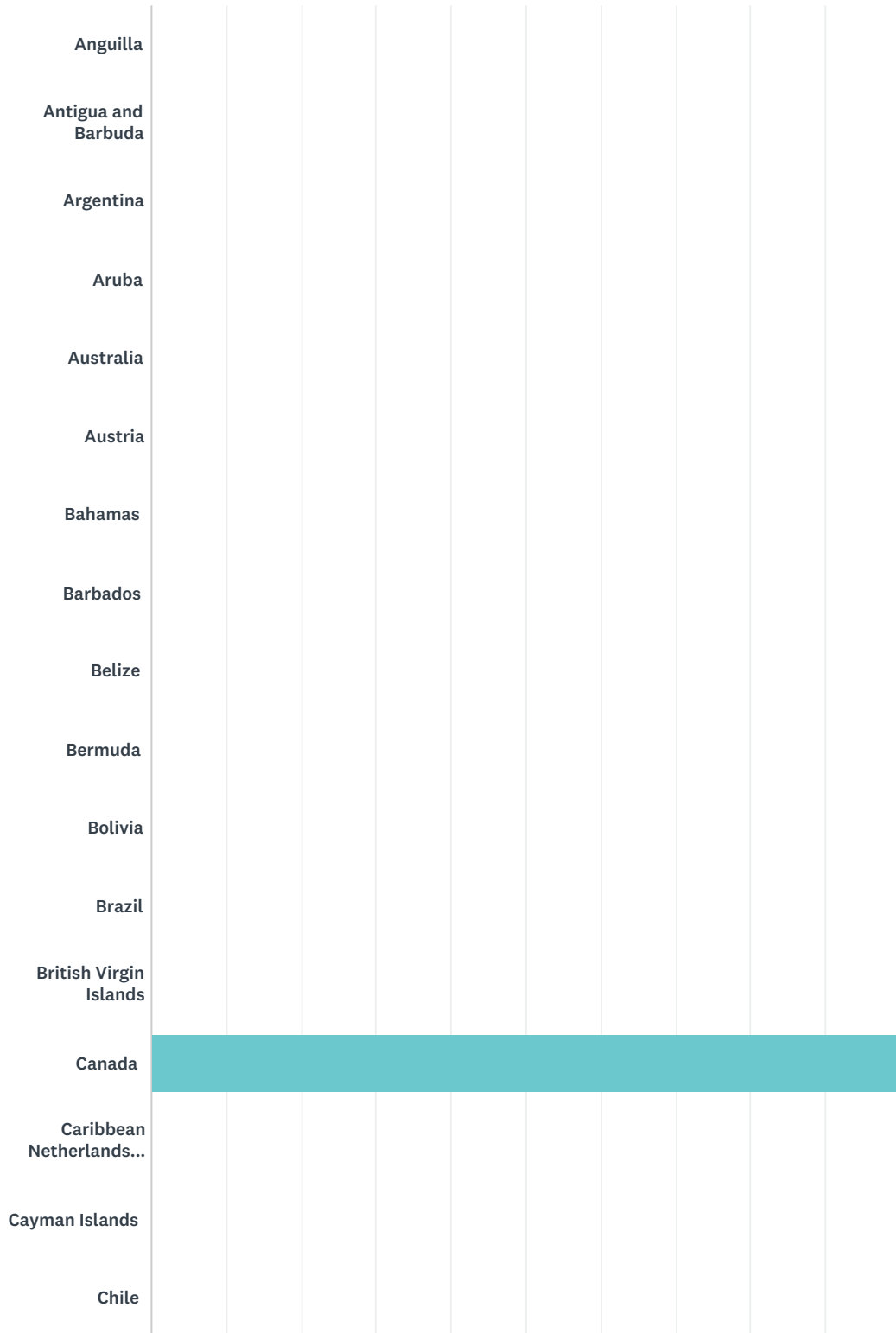


ANSWER CHOICES	RESPONSES	
0-25%	40.00%	2
26-50%	40.00%	2
51-75%	0.00%	0
76-100%	20.00%	1
TOTAL		5



Q76 Which of the following countries have been the seat of an arbitration in which you have served as arbitrator in the past 5 years? The list includes all Countries in the Americas, as well as certain major arbitration jurisdictions around the world. Select all that apply.

Answered: 5 Skipped: 5

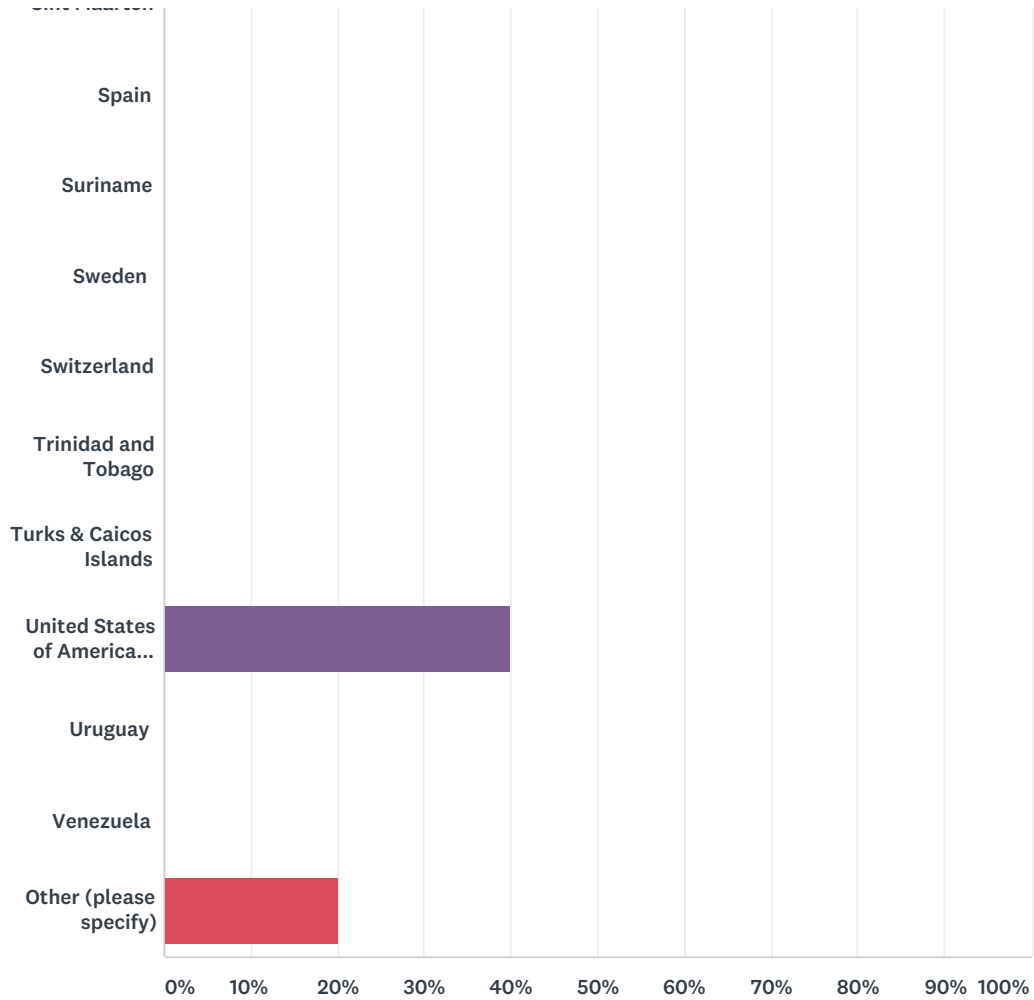


# Survey on the Law and Practice of Arbitration in the Americas





## Survey on the Law and Practice of Arbitration in the Americas



ANSWER CHOICES	RESPONSES	
Anguilla	0.00%	0
Antigua and Barbuda	0.00%	0
Argentina	0.00%	0
Aruba	0.00%	0
Australia	0.00%	0
Austria	0.00%	0
Bahamas	0.00%	0
Barbados	0.00%	0
Belize	0.00%	0
Bermuda	0.00%	0
Bolivia	0.00%	0
Brazil	0.00%	0
British Virgin Islands	0.00%	0
Canada	100.00%	5

## Survey on the Law and Practice of Arbitration in the Americas

Caribbean Netherlands (Bonaire, Sint Eustatius, Saba)	0.00%	0
Cayman Islands	0.00%	0
Chile	0.00%	0
China (not including Hong Kong)	0.00%	0
Colombia	0.00%	0
Costa Rica	0.00%	0
Cuba	0.00%	0
Curaçao	0.00%	0
Dominica	0.00%	0
Dominican Republic	0.00%	0
Dubai International Financial Centre	0.00%	0
Ecuador	0.00%	0
Egypt	0.00%	0
El Salvador	0.00%	0
England, Wales and Northern Ireland	20.00%	1
Falkland Islands	0.00%	0
France	20.00%	1
French Guiana	0.00%	0
Germany	20.00%	1
Greenland	0.00%	0
Grenada	0.00%	0
Guadeloupe	0.00%	0
Guatemala	0.00%	0
Guyana	0.00%	0
Haiti	0.00%	0
Honduras	0.00%	0
Hong Kong	0.00%	0
Jamaica	0.00%	0
Martinique	0.00%	0
Mexico	0.00%	0
Montserrat	0.00%	0
Netherlands	0.00%	0
Nicaragua	0.00%	0
Panama	0.00%	0
Paraguay	0.00%	0

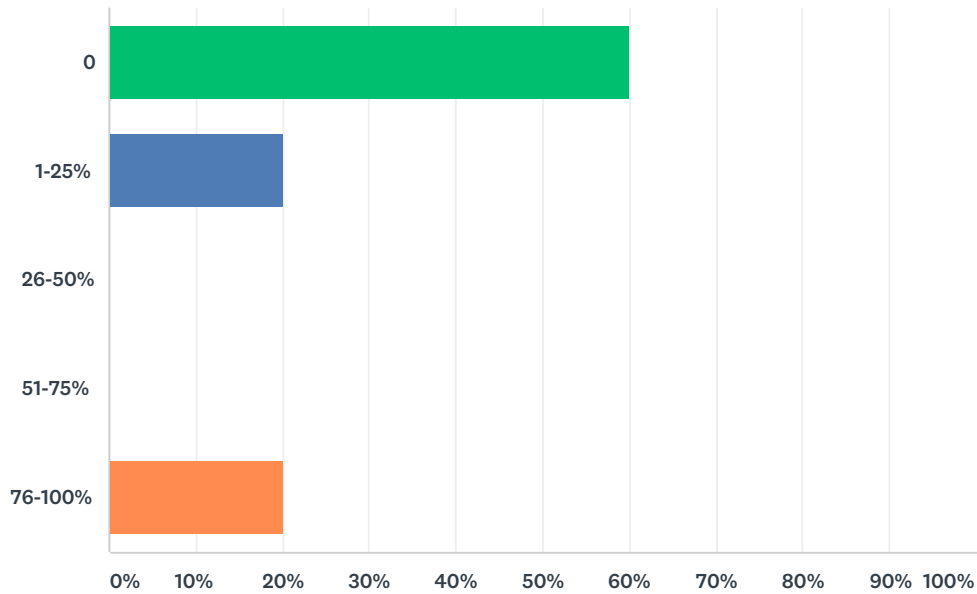
## Survey on the Law and Practice of Arbitration in the Americas

Peru	0.00%	0
Portugal	0.00%	0
Saint Barthélemy	0.00%	0
Saint Kitts & Nevis	0.00%	0
Saint Lucia	0.00%	0
Saint Martin	0.00%	0
Saint Pierre and Miquelon	0.00%	0
Saint Vincent & the Grenadines	0.00%	0
Singapore	0.00%	0
Sint Maarten	0.00%	0
Spain	0.00%	0
Suriname	0.00%	0
Sweden	0.00%	0
Switzerland	0.00%	0
Trinidad and Tobago	0.00%	0
Turks & Caicos Islands	0.00%	0
United States of America (incl. Puerto Rico and the United States Virgin Islands)	40.00%	2
Uruguay	0.00%	0
Venezuela	0.00%	0
Other (please specify)	20.00%	1
Total Respondents: 5		

#	OTHER (PLEASE SPECIFY)	DATE
1	Saudi Arabia	6/17/2016 6:29 PM

### Q77 What percentage of your appointments as arbitrator over the past 5 years have been seated in Countries other than the Country you have identified in this survey as your Country?

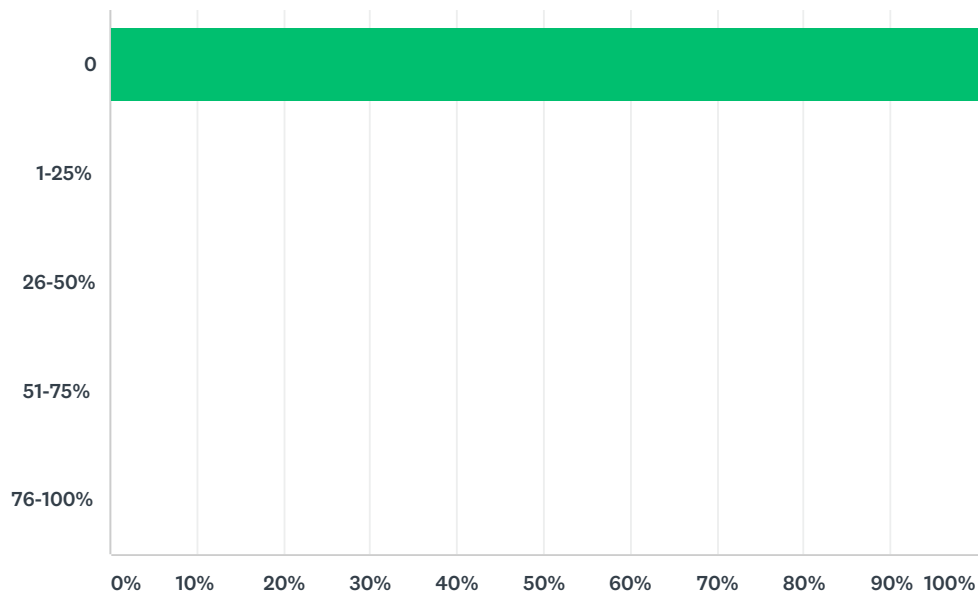
Answered: 5 Skipped: 5



ANSWER CHOICES	RESPONSES	
0	60.00%	3
1-25%	20.00%	1
26-50%	0.00%	0
51-75%	0.00%	0
76-100%	20.00%	1
<b>TOTAL</b>		<b>5</b>

**Q78 In what percentage of arbitrations in which you have served as arbitrator over the past 5 years did you use more than one language to perform your duties?Note: Please include any substantive work done, including reading untranslated documents, hearing untranslated testimony, etc.**

Answered: 5 Skipped: 5

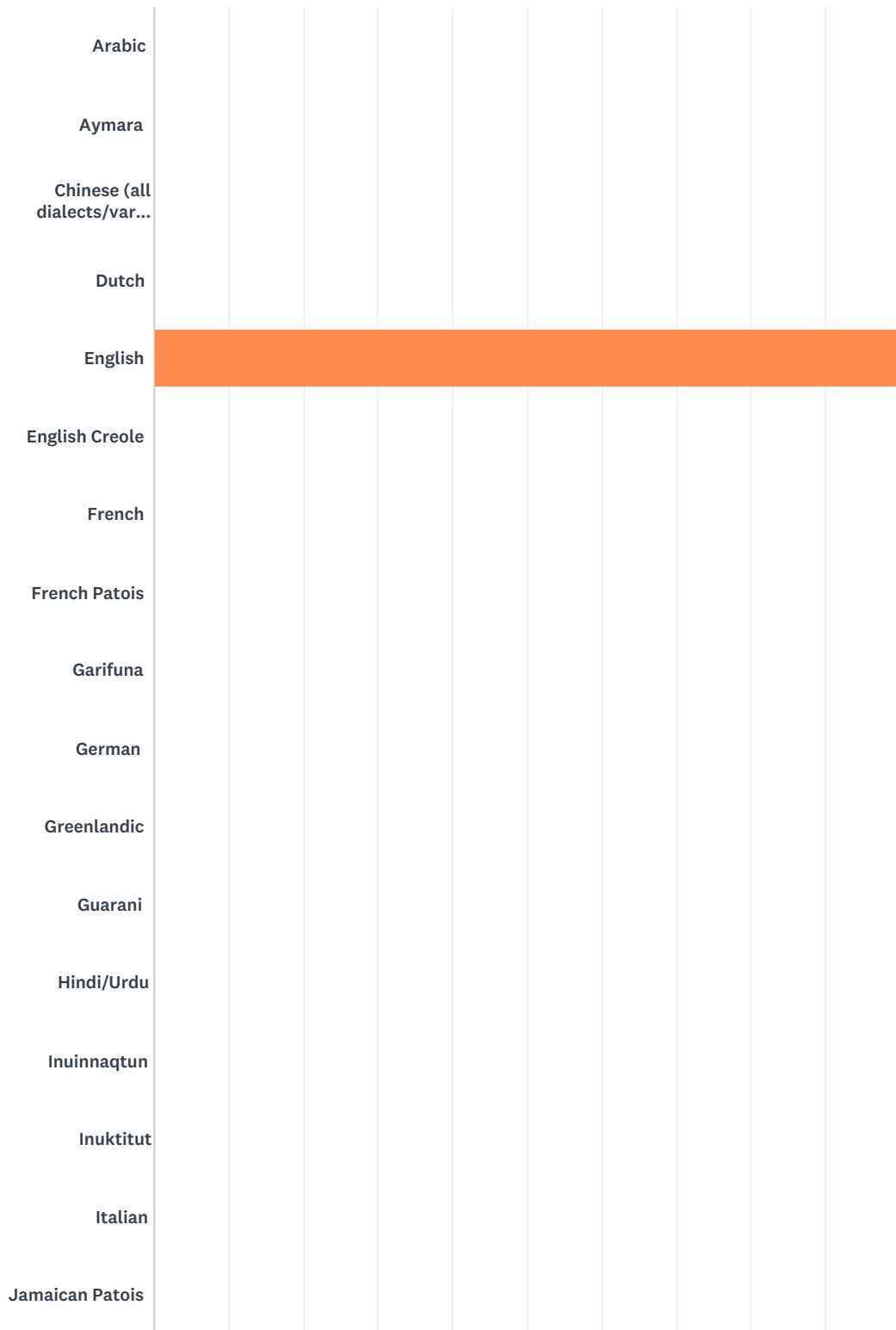


ANSWER CHOICES	RESPONSES	
0	100.00%	5
1-25%	0.00%	0
26-50%	0.00%	0
51-75%	0.00%	0
76-100%	0.00%	0
<b>TOTAL</b>		<b>5</b>



Q79 In which of the following languages have you worked as an arbitrator? Note: Please include any substantive work done, including reading untranslated documents, hearing untranslated testimony, etc., even if most of the arbitration was conducted in another language.

Answered: 5 Skipped: 5



# Survey on the Law and Practice of Arbitration in the Americas



## Survey on the Law and Practice of Arbitration in the Americas

ANSWER CHOICES	RESPONSES	
Arabic	0.00%	0
Aymara	0.00%	0
Chinese (all dialects/varieties)	0.00%	0
Dutch	0.00%	0
English	100.00%	5
English Creole	0.00%	0
French	0.00%	0
French Patois	0.00%	0
Garifuna	0.00%	0
German	0.00%	0
Greenlandic	0.00%	0
Guarani	0.00%	0
Hindi/Urdu	0.00%	0
Inuinnaqtun	0.00%	0
Inuktitut	0.00%	0
Italian	0.00%	0
Jamaican Patois	0.00%	0
Japanese	0.00%	0
Javanese	0.00%	0
Kaqchikel	0.00%	0
K'iche' (Quiché)	0.00%	0
Mam	0.00%	0
Mayan	0.00%	0
Nahuatl	0.00%	0
Papiamentu	0.00%	0
Portuguese	0.00%	0
Portuñol	0.00%	0
Quechua	0.00%	0
Q'eqchi'	0.00%	0
Quiche	0.00%	0
Russian	0.00%	0
Saramaccan	0.00%	0
Spanish	0.00%	0

## Survey on the Law and Practice of Arbitration in the Americas

Sranan Tongo	0.00%	0
Urdu	0.00%	0
Xinca	0.00%	0
Other (please specify)	0.00%	0
Total Respondents: 5		

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	