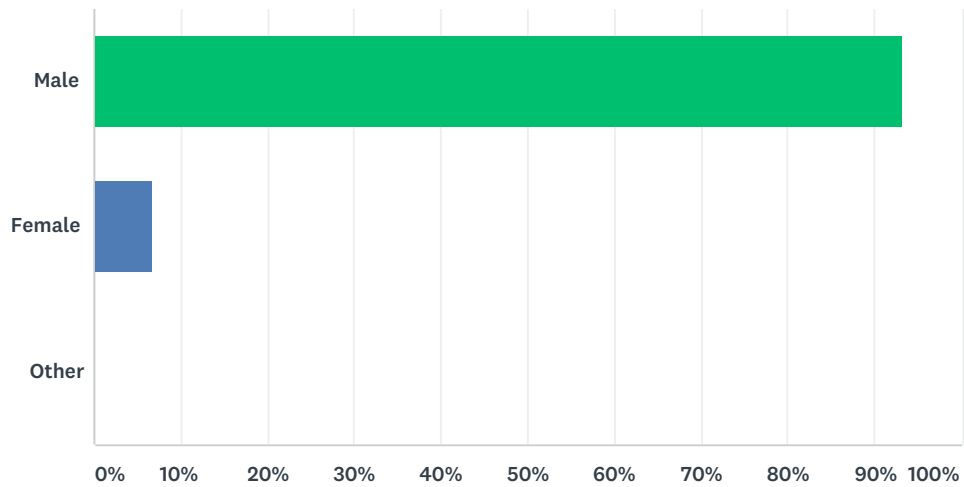


## Q2 The following two questions address diversity within arbitration. How would you describe your gender?

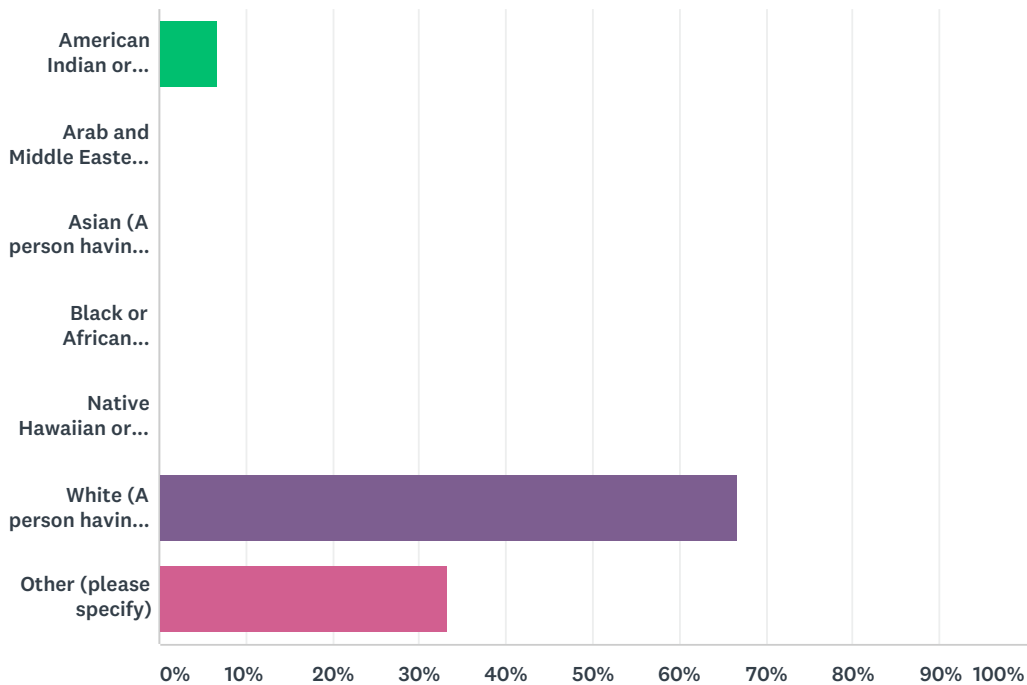
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
Male	93.33% 14
Female	6.67% 1
Other	0.00% 0
TOTAL	15

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

Answered: 15 Skipped: 0



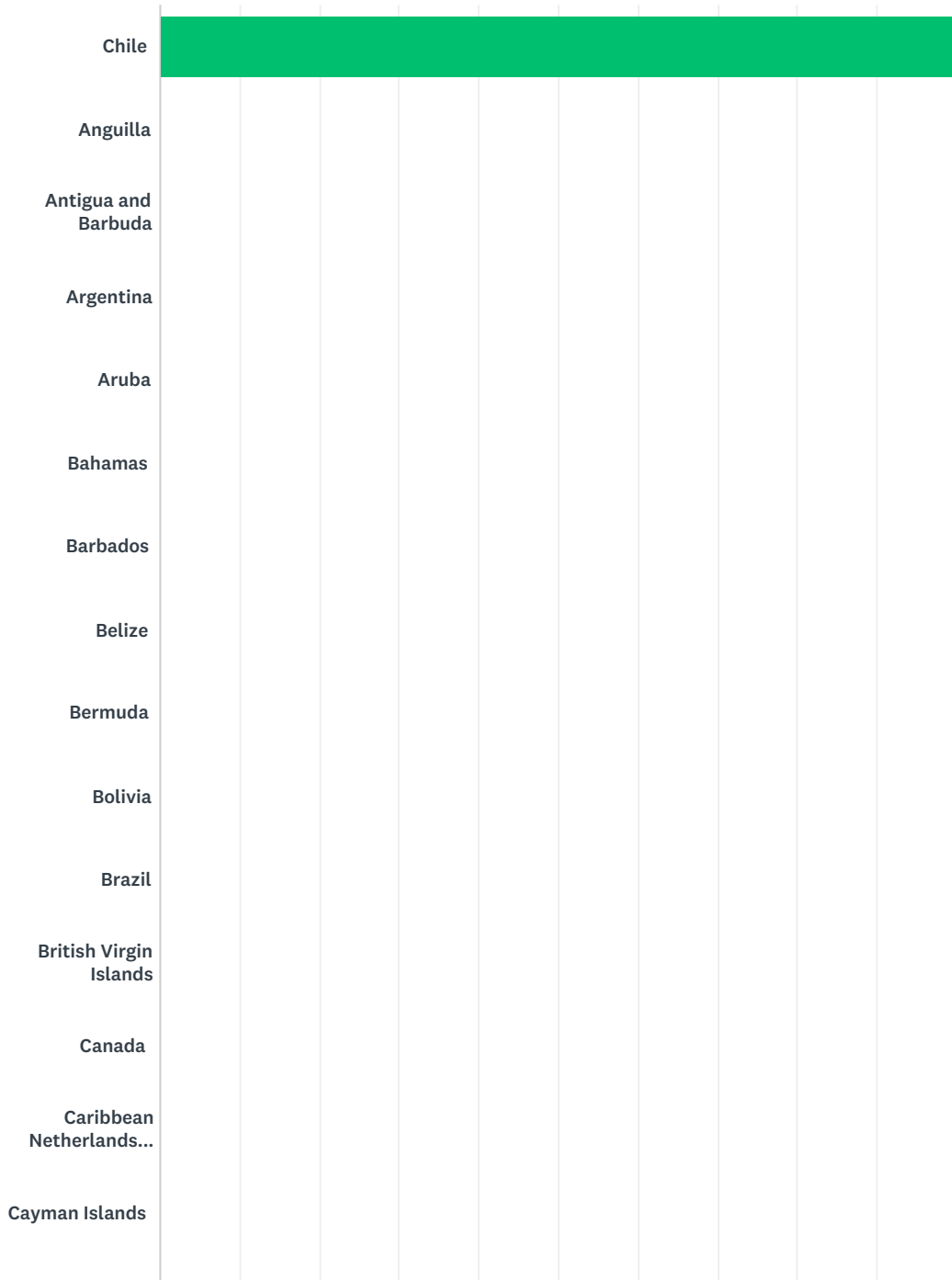
ANSWER CHOICES	RESPONSES
American Indian or Alaska Native (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment)	6.67% 1
Arab and Middle Eastern (A person having origins in any of 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)	66.67% 10
Other (please specify)	33.33% 5
Total Respondents: 15	

#	OTHER (PLEASE SPECIFY)	DATE
1	Hispanic	4/20/2017 3:52 PM
2	Latinoamericano	4/20/2017 2:09 PM
3	blanco sudamericano, sin vínculos con tribus indígenas	4/20/2017 2:04 PM
4	Jamás he considerado estas categorías.	4/20/2017 1:19 PM



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: 15 Skipped: 0



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

Colombia										
Costa Rica										
Cuba										
Curaçao										
Dominica										
Dominican Republic										
Ecuador										
El Salvador										
Falkland Islands										
French Guiana										
Greenland										
Grenada										
Guadeloupe										
Guatemala										
Guyana										
Haiti										
Honduras										
Jamaica										
Martinique										
Mexico										
Montserrat										

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



ANSWER CHOICES	RESPONSES	
Chile	100.00%	15
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
Canada	0.00%	0
Caribbean Netherlands (Bonaire, Sint Eustatius, Saba)	0.00%	0
Cayman Islands	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

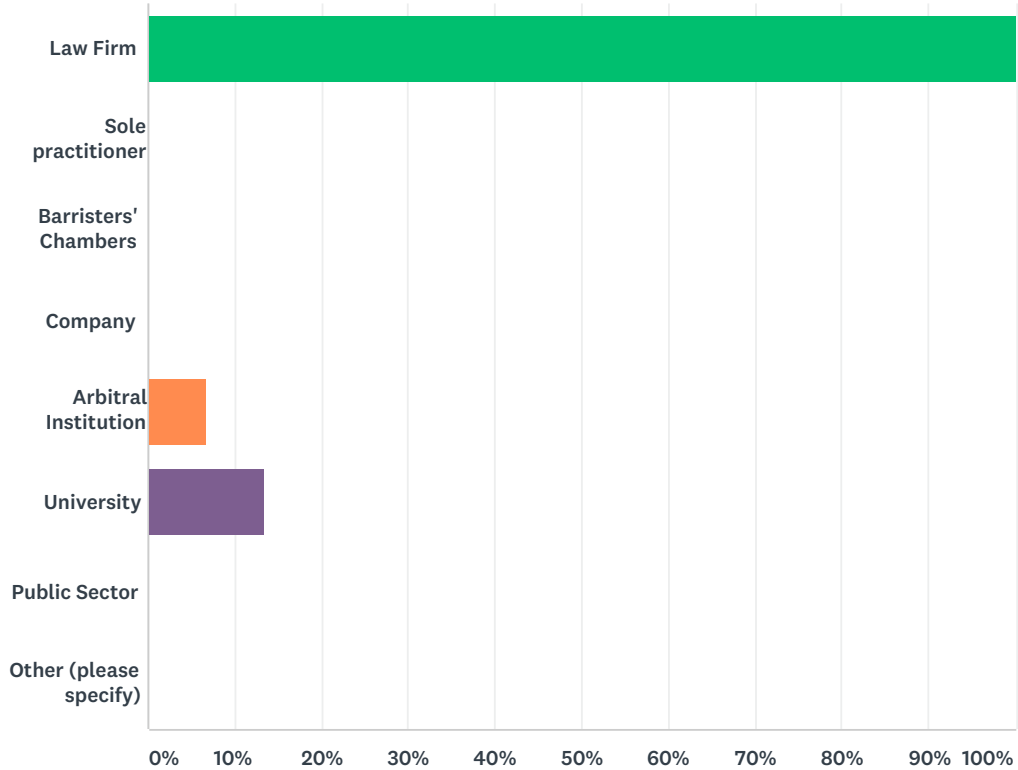
## Survey on the Law and Practice of Arbitration in the Americas

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>15</b>



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

Answered: 15 Skipped: 0

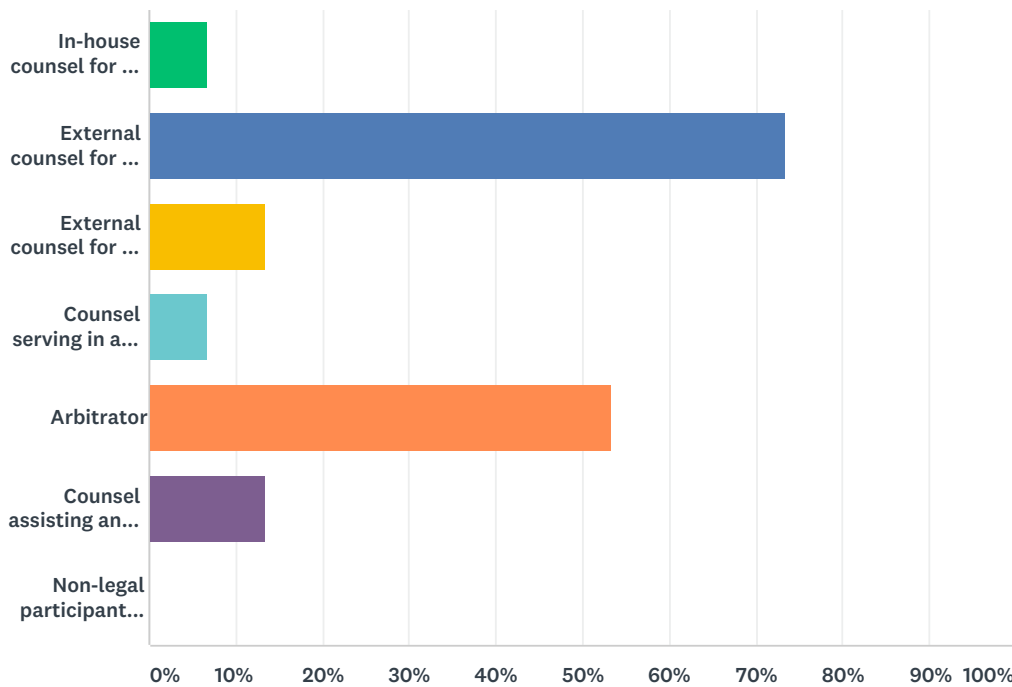


ANSWER CHOICES	RESPONSES	
Law Firm	100.00%	15
Sole practitioner	0.00%	0
Barristers' Chambers	0.00%	0
Company	0.00%	0
Arbitral Institution	6.67%	1
University	13.33%	2
Public Sector	0.00%	0
Other (please specify)	0.00%	0
Total Respondents: 15		

#	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.

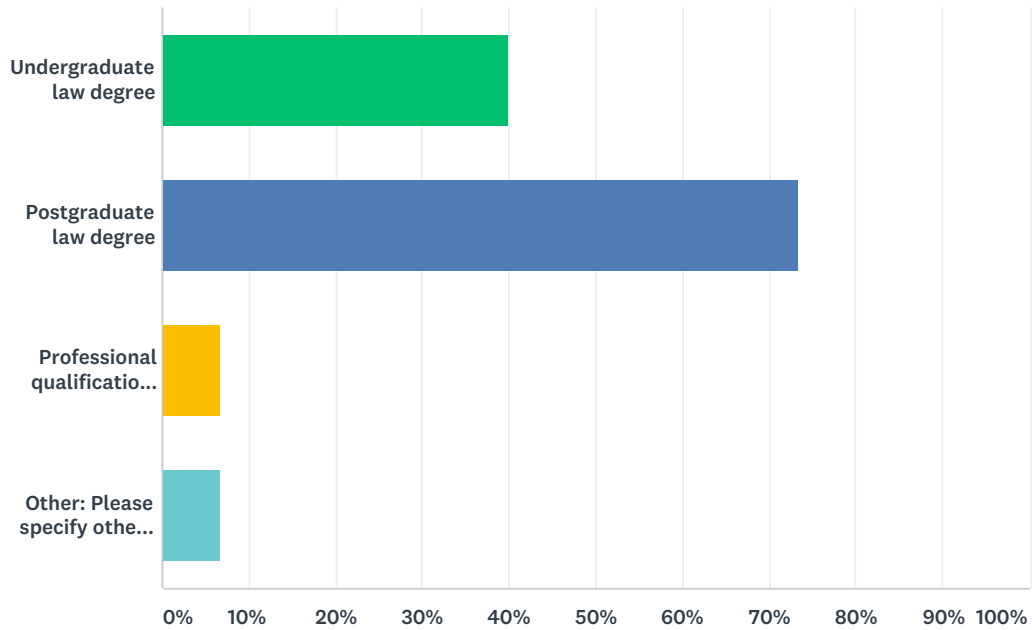
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
In-house counsel for a party	6.67%	1
External counsel for a party (lead counsel)	73.33%	11
External counsel for a party (assisting the lead counsel)	13.33%	2
Counsel serving in an arbitration institution	6.67%	1
Arbitrator	53.33%	8
Counsel assisting an arbitrator	13.33%	2
Non-legal participant (e.g. party or witness)	0.00%	0
Total Respondents: 15		

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

Answered: 15 Skipped: 0

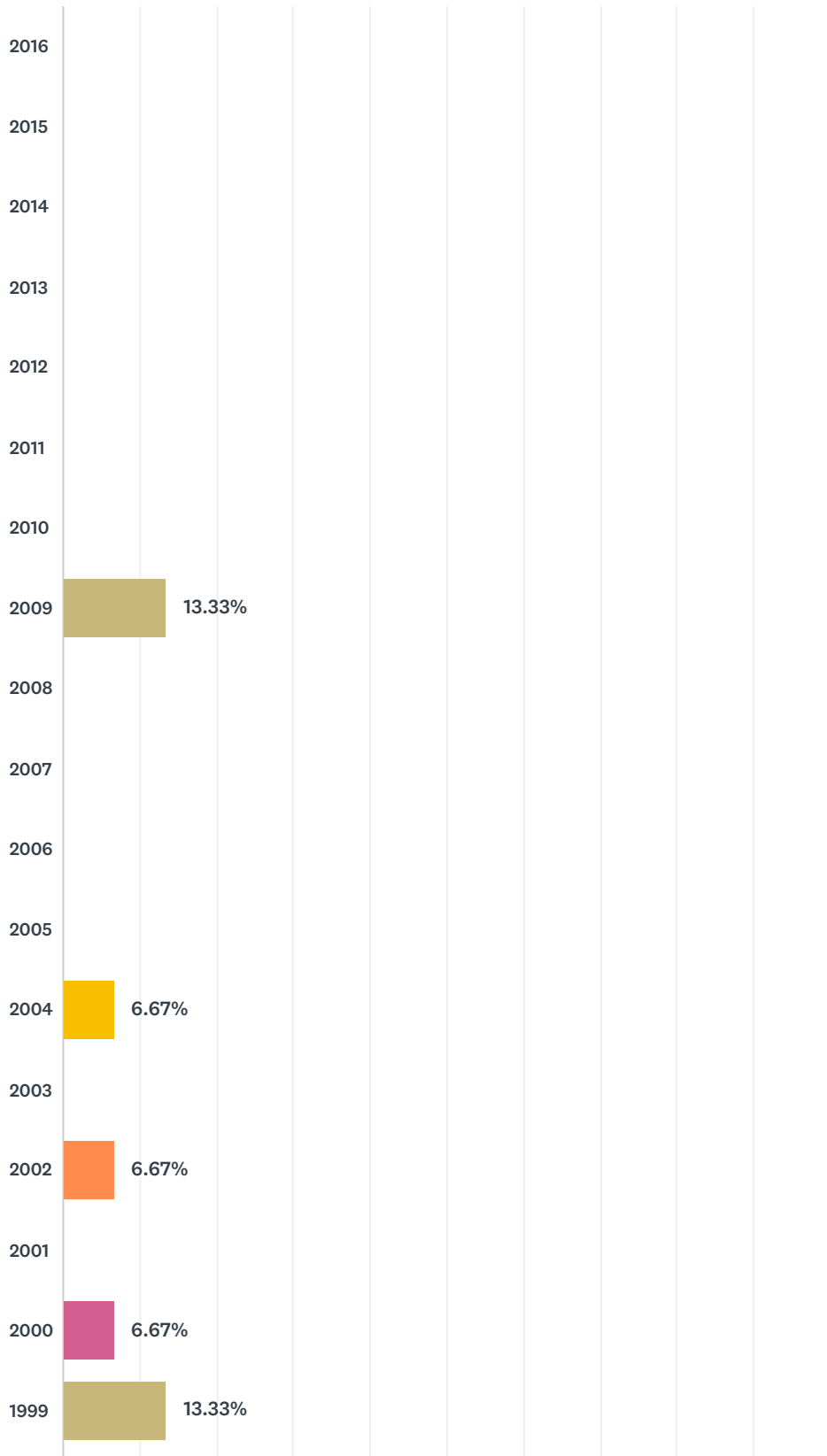


ANSWER CHOICES	RESPONSES
Undergraduate law degree	40.00% 6
Postgraduate law degree	73.33% 11
Professional qualification in law	6.67% 1
Other: Please specify other degrees that you hold (e.g. degree in business, economics, engineering)	6.67% 1
Total Respondents: 15	

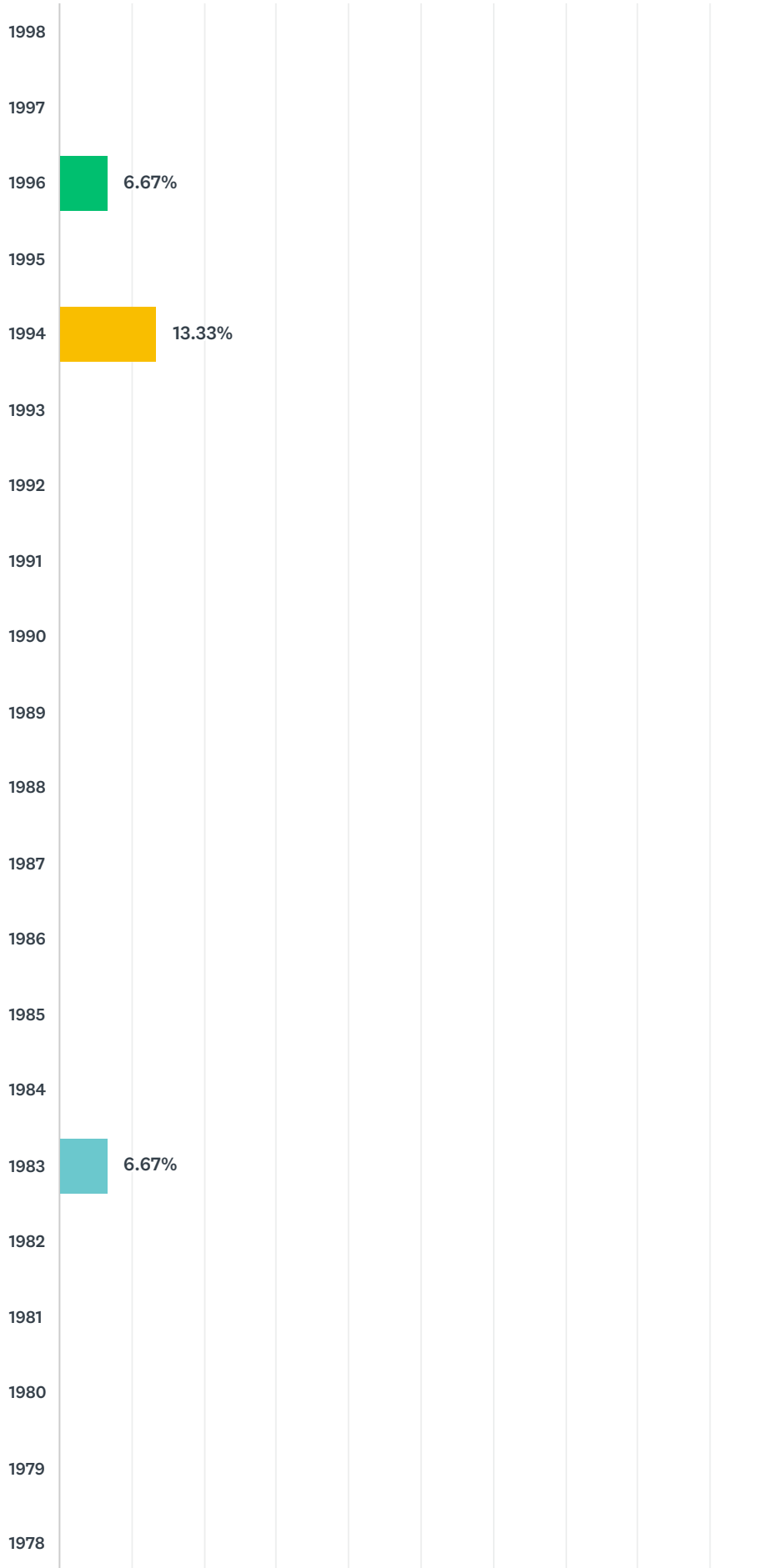
#	OTHER: PLEASE SPECIFY OTHER DEGREES THAT YOU HOLD (E.G. DEGREE IN BUSINESS, ECONOMICS, ENGINEERING)	DATE
1	JD, LLM, Visiting Scholar	3/25/2018 7:22 PM

### 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

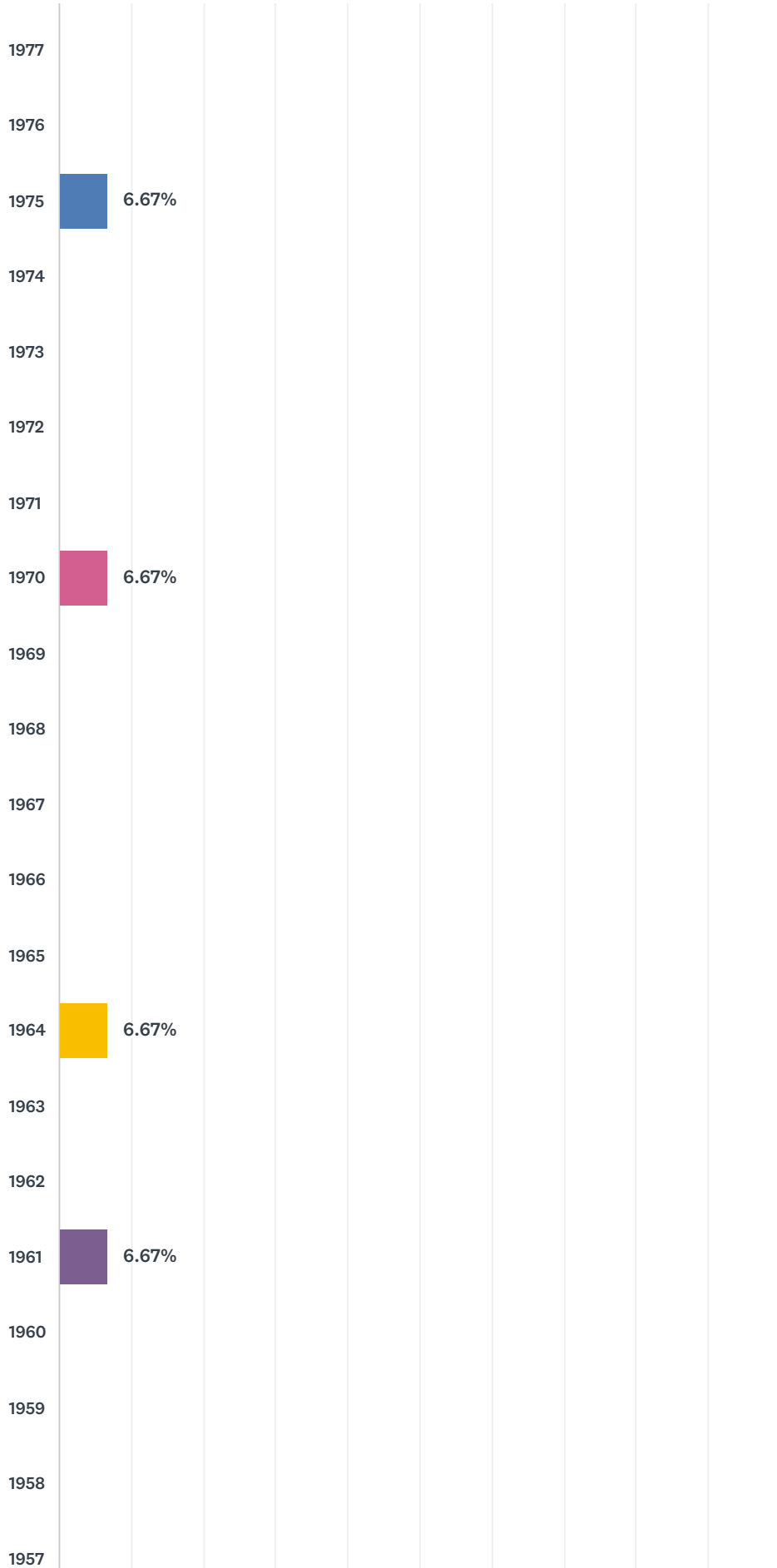
Answered: 15 Skipped: 0



# 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

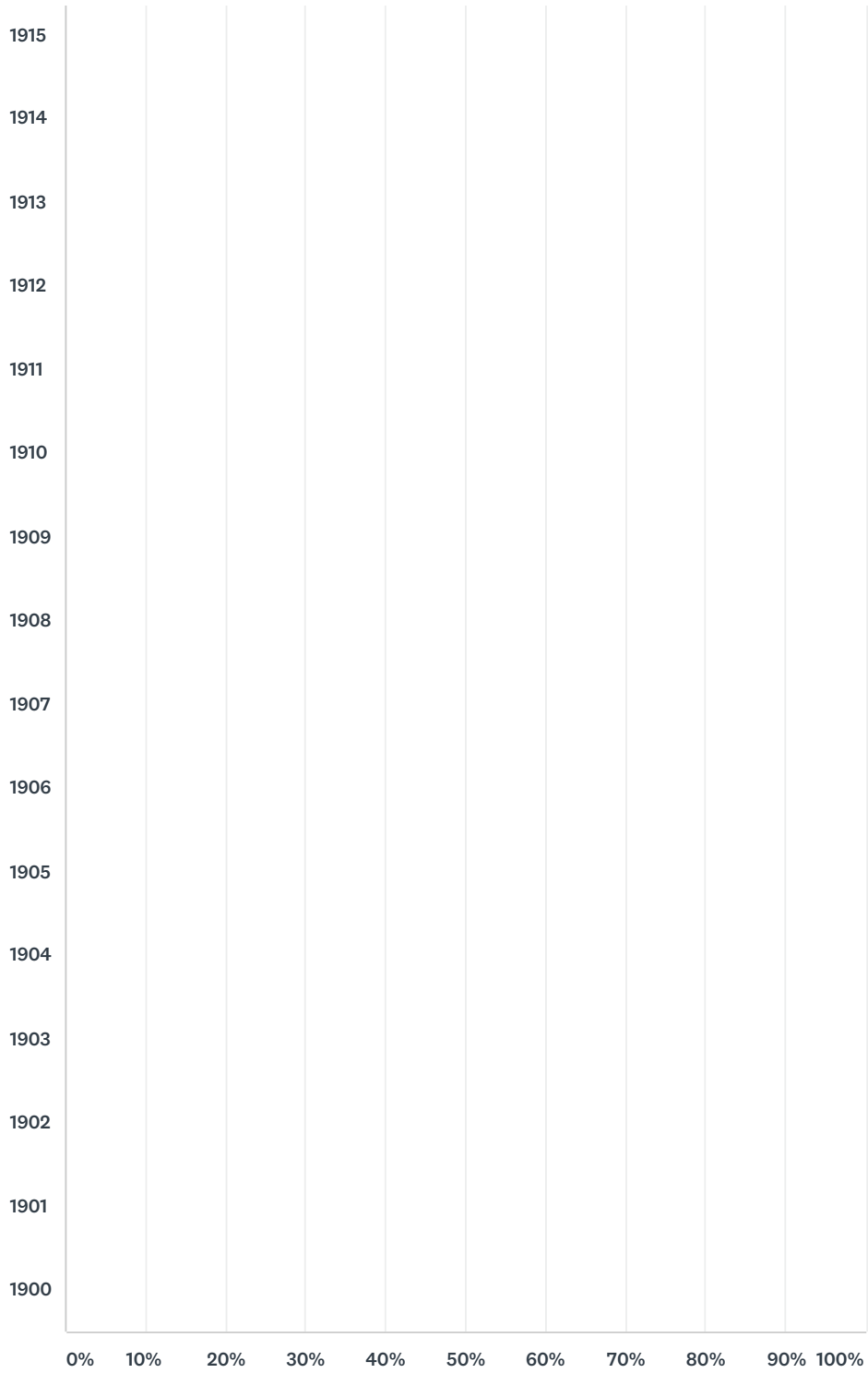
1956  
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# Survey on the Law and Practice of Arbitration in the Americas

1936										
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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	13.33%	2
2008	0.00%	0
2007	0.00%	0
2006	0.00%	0
2005	0.00%	0
2004	6.67%	1
2003	0.00%	0
2002	6.67%	1
2001	0.00%	0
2000	6.67%	1
1999	13.33%	2
1998	0.00%	0
1997	0.00%	0
1996	6.67%	1
1995	0.00%	0
1994	13.33%	2
1993	0.00%	0
1992	0.00%	0
1991	0.00%	0
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	0.00%	0
1983	6.67%	1
1982	0.00%	0
1981	0.00%	0
1980	0.00%	0
1979	0.00%	0
1978	0.00%	0
1977	0.00%	0

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

1976	0.00%	0
1975	6.67%	1
1974	0.00%	0
1973	0.00%	0
1972	0.00%	0
1971	0.00%	0
1970	6.67%	1
1969	0.00%	0
1968	0.00%	0
1967	0.00%	0
1966	0.00%	0
1965	0.00%	0
1964	6.67%	1
1963	0.00%	0
1962	0.00%	0
1961	6.67%	1
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		15

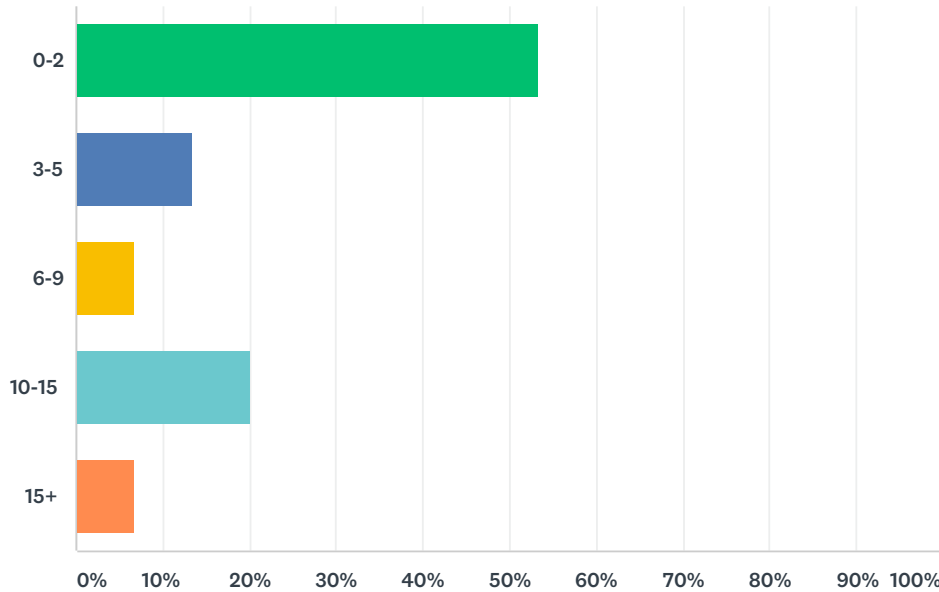
Q15 What jurisdiction(s) are you are allowed to practice in?Note: If you do not hold a legal qualification please enter 'None' in the box below .

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	Chile	3/25/2018 7:22 PM
2	Chile	4/18/2017 12:54 PM
3	Chile	3/16/2017 4:13 AM
4	Chile	1/4/2017 3:45 PM
5	Chile	1/4/2017 1:10 PM
6	chile	12/15/2016 3:03 PM
7	Chile	12/15/2016 2:28 PM
8	Chile	10/3/2016 4:31 PM
9	Chile	7/23/2016 10:12 PM
10	Chile	6/29/2016 4:25 PM
11	Chile	6/22/2016 9:14 PM
12	Chile	6/20/2016 3:10 PM
13	CHILE	5/3/2016 8:27 PM
14	Chile	5/2/2016 3:05 PM
15	Russia	4/2/2016 12:51 AM

**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.**

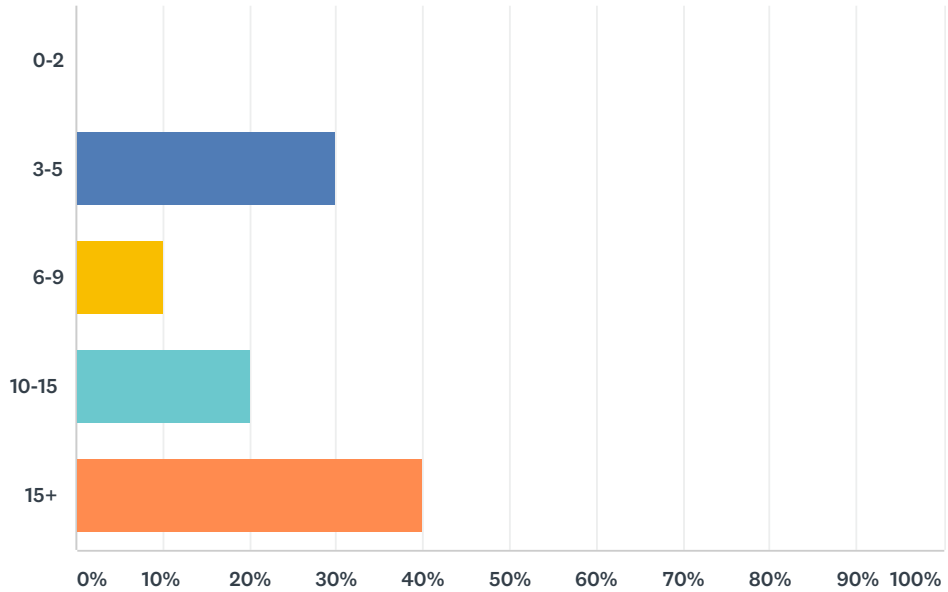
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
0-2	53.33% 8
3-5	13.33% 2
6-9	6.67% 1
10-15	20.00% 3
15+	6.67% 1
<b>TOTAL</b>	<b>15</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: 15 Skipped: 0

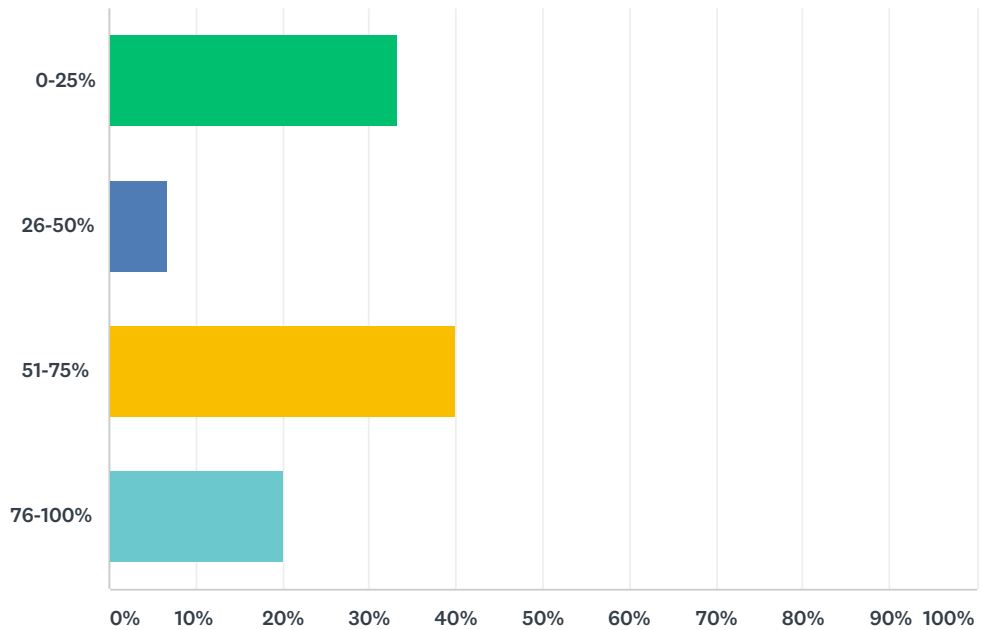


ANSWER CHOICES	RESPONSES
0-2	0.00% 0
3-5	30.00% 3
6-9	10.00% 1
10-15	20.00% 2
15+	40.00% 4
<b>TOTAL</b>	<b>10</b>



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).

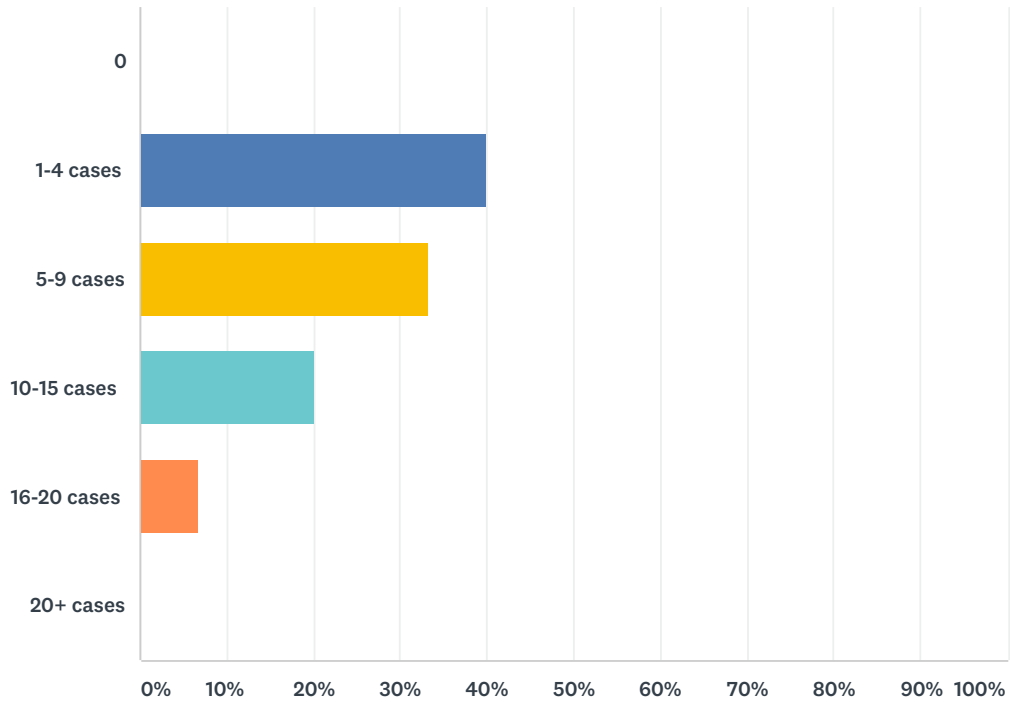
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
0-25%	33.33%	5
26-50%	6.67%	1
51-75%	40.00%	6
76-100%	20.00%	3
TOTAL		15

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

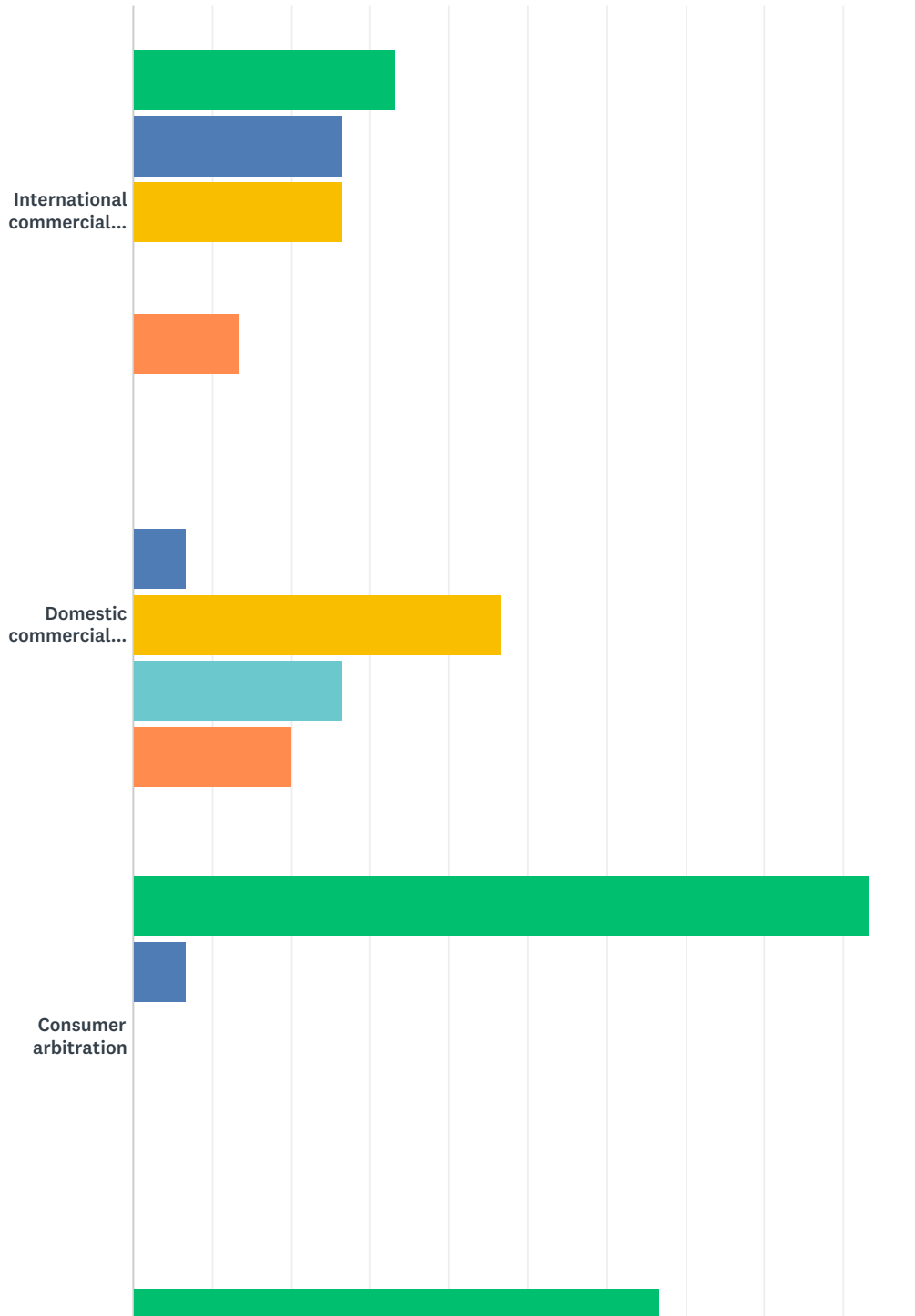
Answered: 15 Skipped: 0



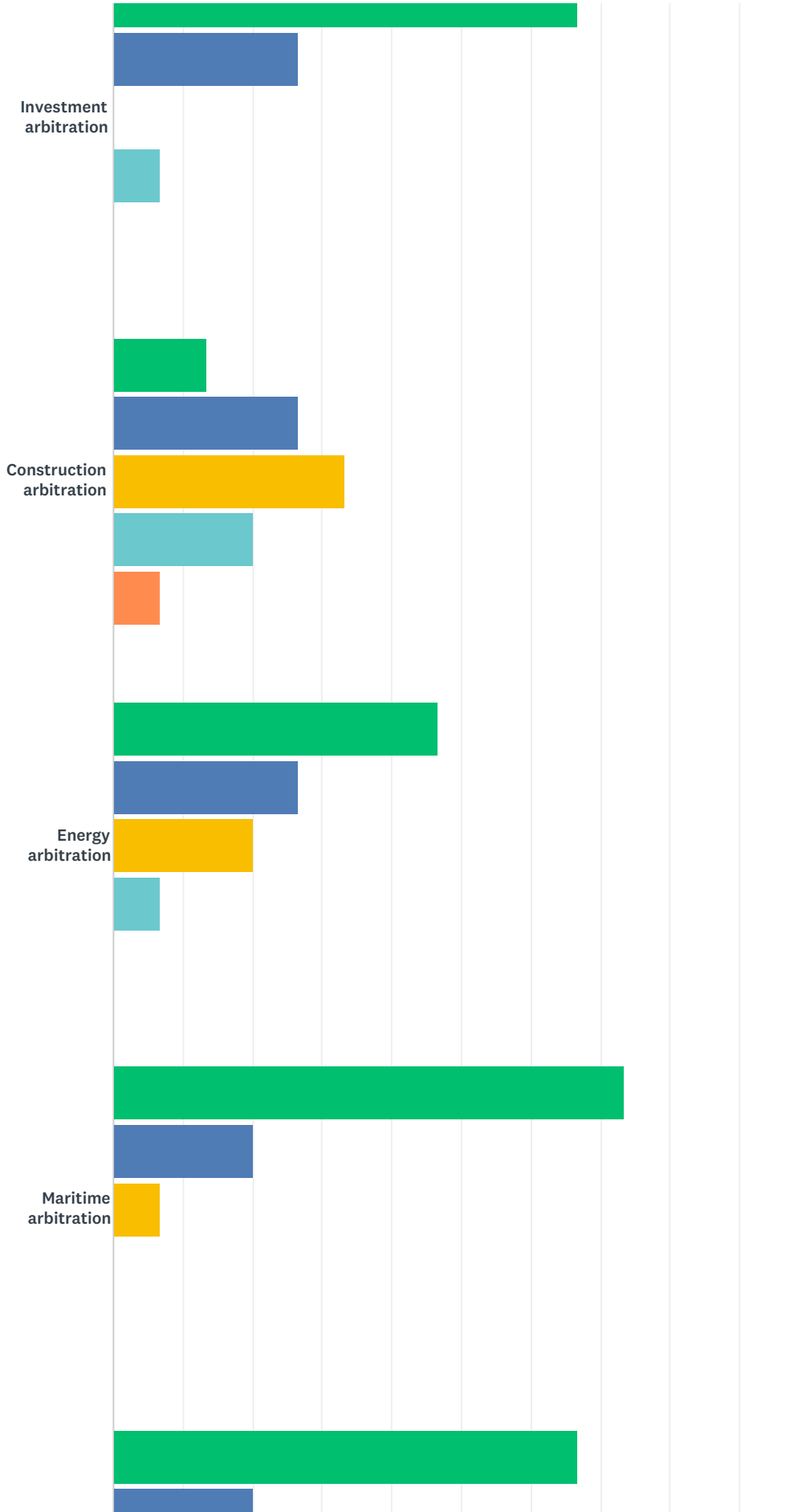
ANSWER CHOICES	RESPONSES	
0	0.00%	0
1-4 cases	40.00%	6
5-9 cases	33.33%	5
10-15 cases	20.00%	3
16-20 cases	6.67%	1
20+ cases	0.00%	0
<b>TOTAL</b>		<b>15</b>

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.

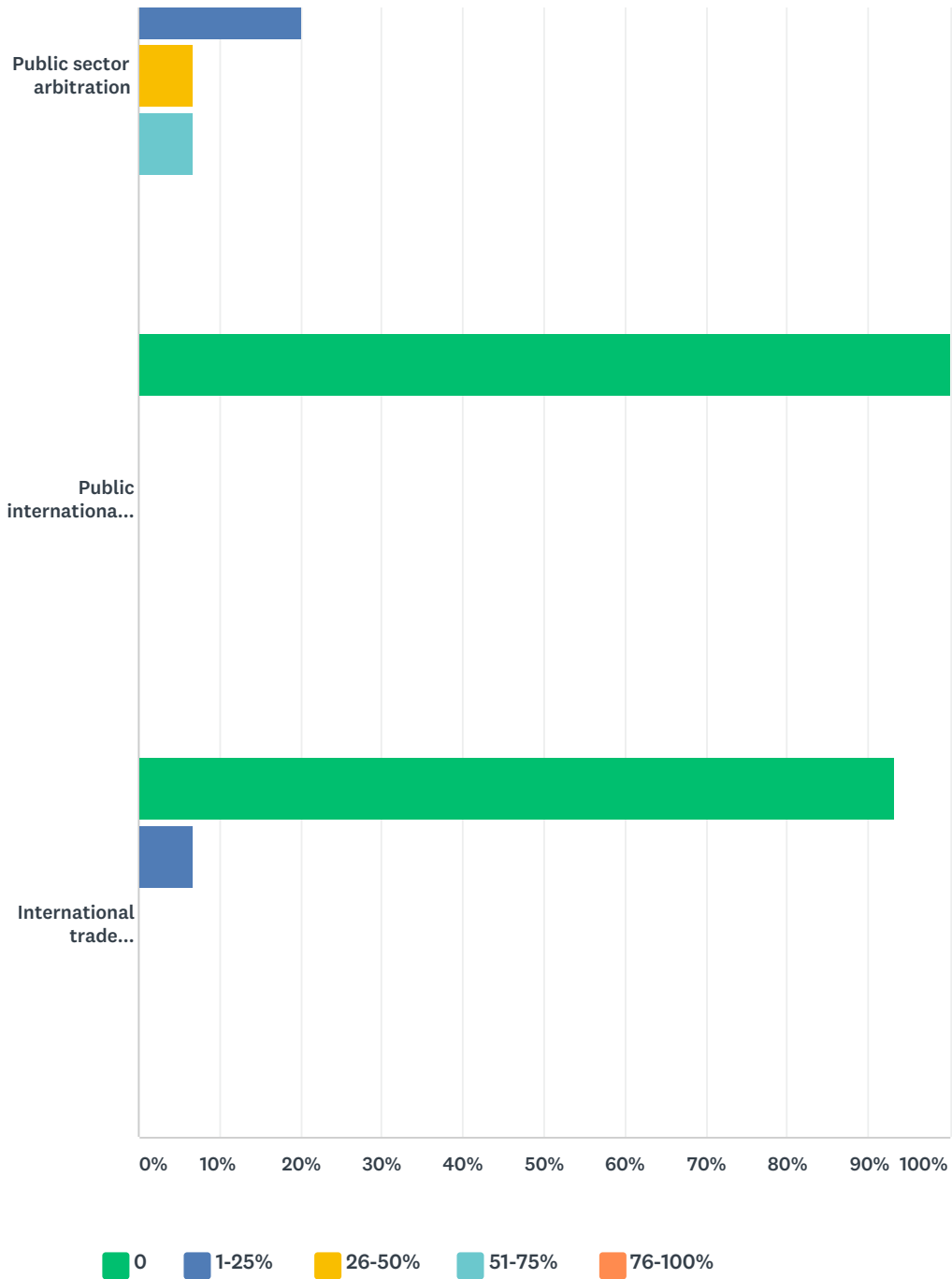
Answered: 15 Skipped: 0



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



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



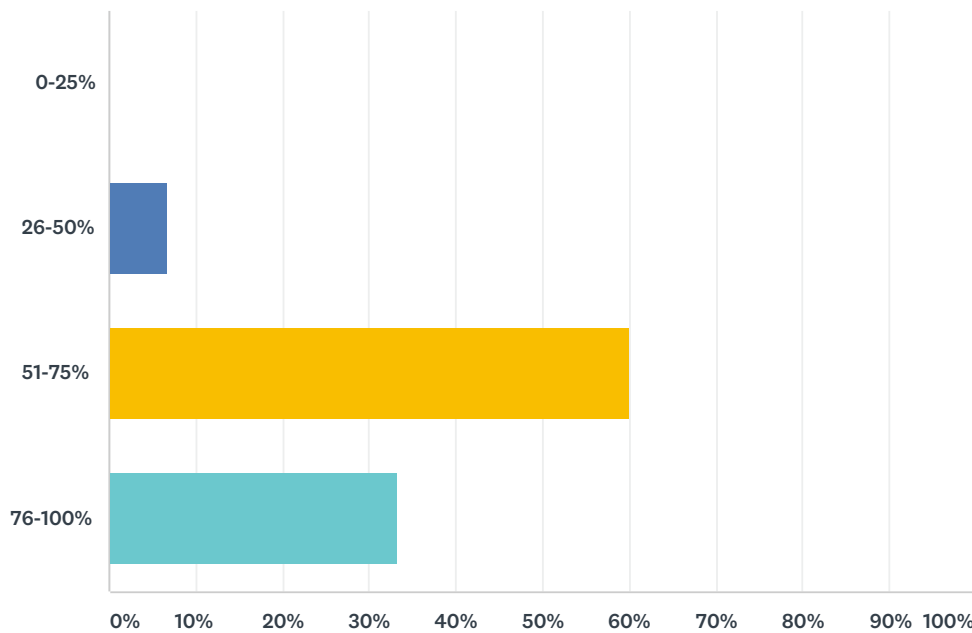
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
International commercial arbitration ('international' is defined as per Article 1(3) of the UNCITRAL Model Law on International Commercial Arbitration)	33.33% 5	26.67% 4	26.67% 4	0.00% 0	13.33% 2	15
Domestic commercial arbitration	0.00% 0	6.67% 1	46.67% 7	26.67% 4	20.00% 3	15
Consumer arbitration	93.33% 14	6.67% 1	0.00% 0	0.00% 0	0.00% 0	15
Investment arbitration	66.67% 10	26.67% 4	0.00% 0	6.67% 1	0.00% 0	15
Construction arbitration	13.33% 2	26.67% 4	33.33% 5	20.00% 3	6.67% 1	15

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

Energy arbitration	46.67%	26.67%	20.00%	6.67%	0.00%	15
	7	4	3	1	0	
Maritime arbitration	73.33%	20.00%	6.67%	0.00%	0.00%	15
	11	3	1	0	0	
Public sector arbitration	66.67%	20.00%	6.67%	6.67%	0.00%	15
	10	3	1	1	0	
Public international arbitration (i.e. where both parties are Countries)	100.00%	0.00%	0.00%	0.00%	0.00%	15
	15	0	0	0	0	
International trade arbitration (e.g WTO)	93.33%	6.67%	0.00%	0.00%	0.00%	15
	14	1	0	0	0	

**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.

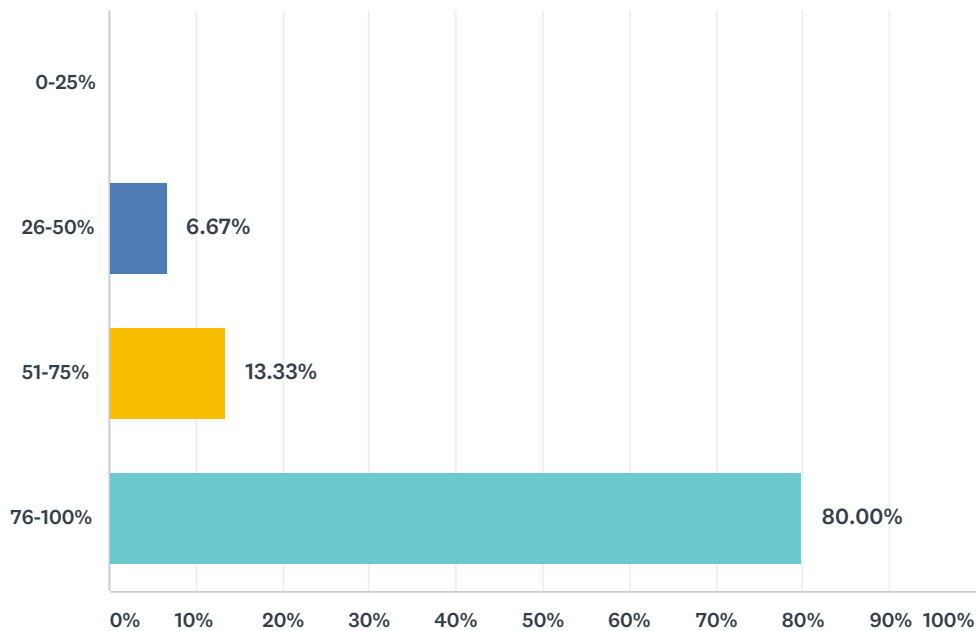
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
0-25%	0.00% 0
26-50%	6.67% 1
51-75%	60.00% 9
76-100%	33.33% 5
<b>TOTAL</b>	<b>15</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: 15 Skipped: 0

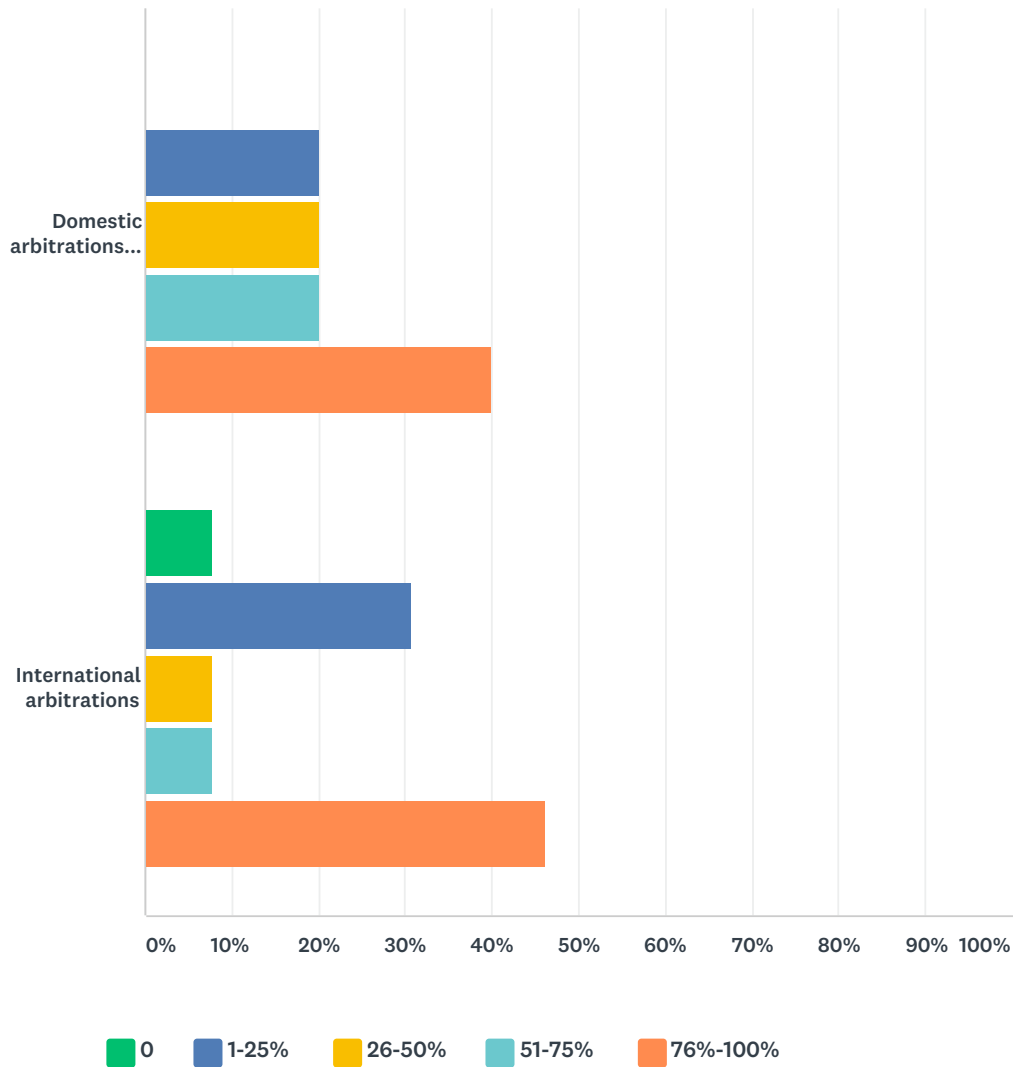


ANSWER CHOICES	RESPONSES	
0-25%	0.00%	0
26-50%	6.67%	1
51-75%	13.33%	2
76-100%	80.00%	12
<b>TOTAL</b>		<b>15</b>



**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.

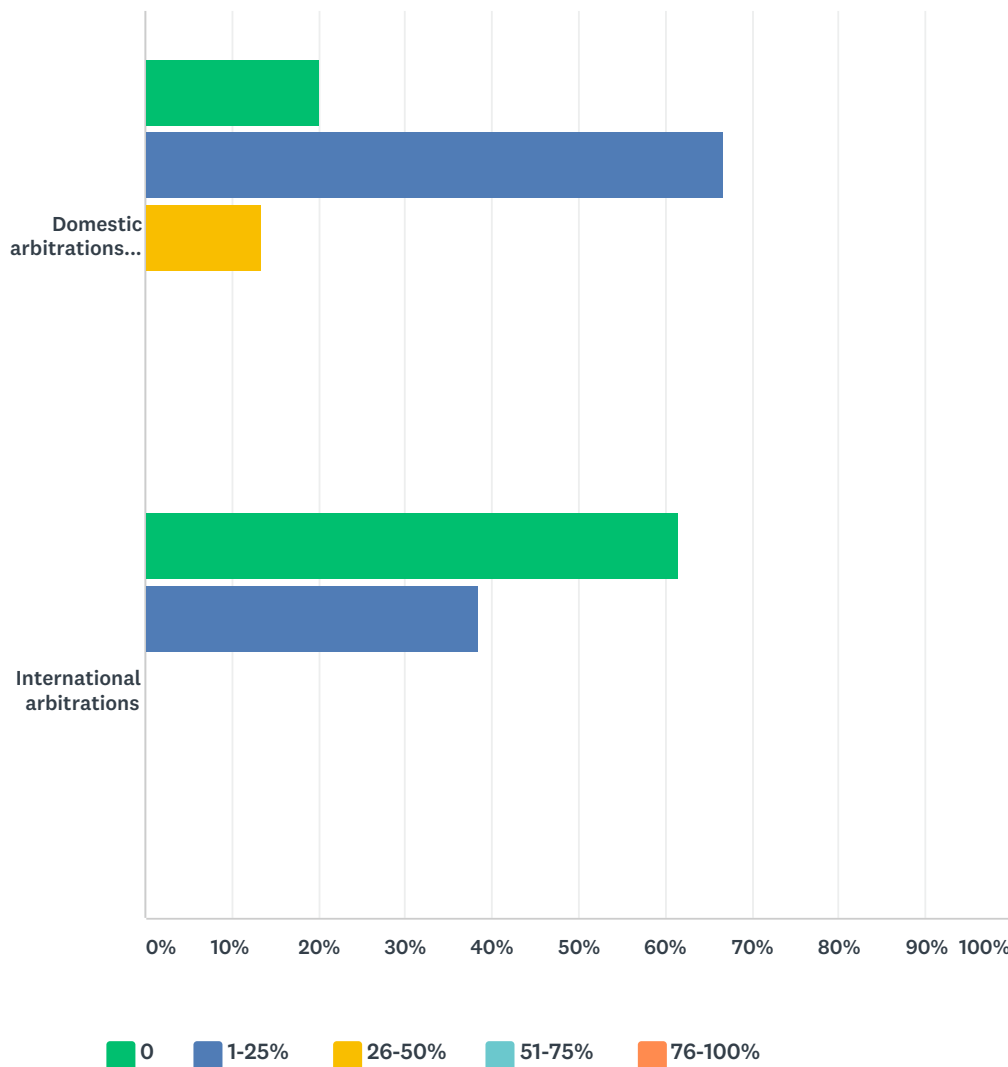
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76%-100%	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	20.00% 3	20.00% 3	20.00% 3	40.00% 6	15
International arbitrations	7.69% 1	30.77% 4	7.69% 1	7.69% 1	46.15% 6	13

**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.**

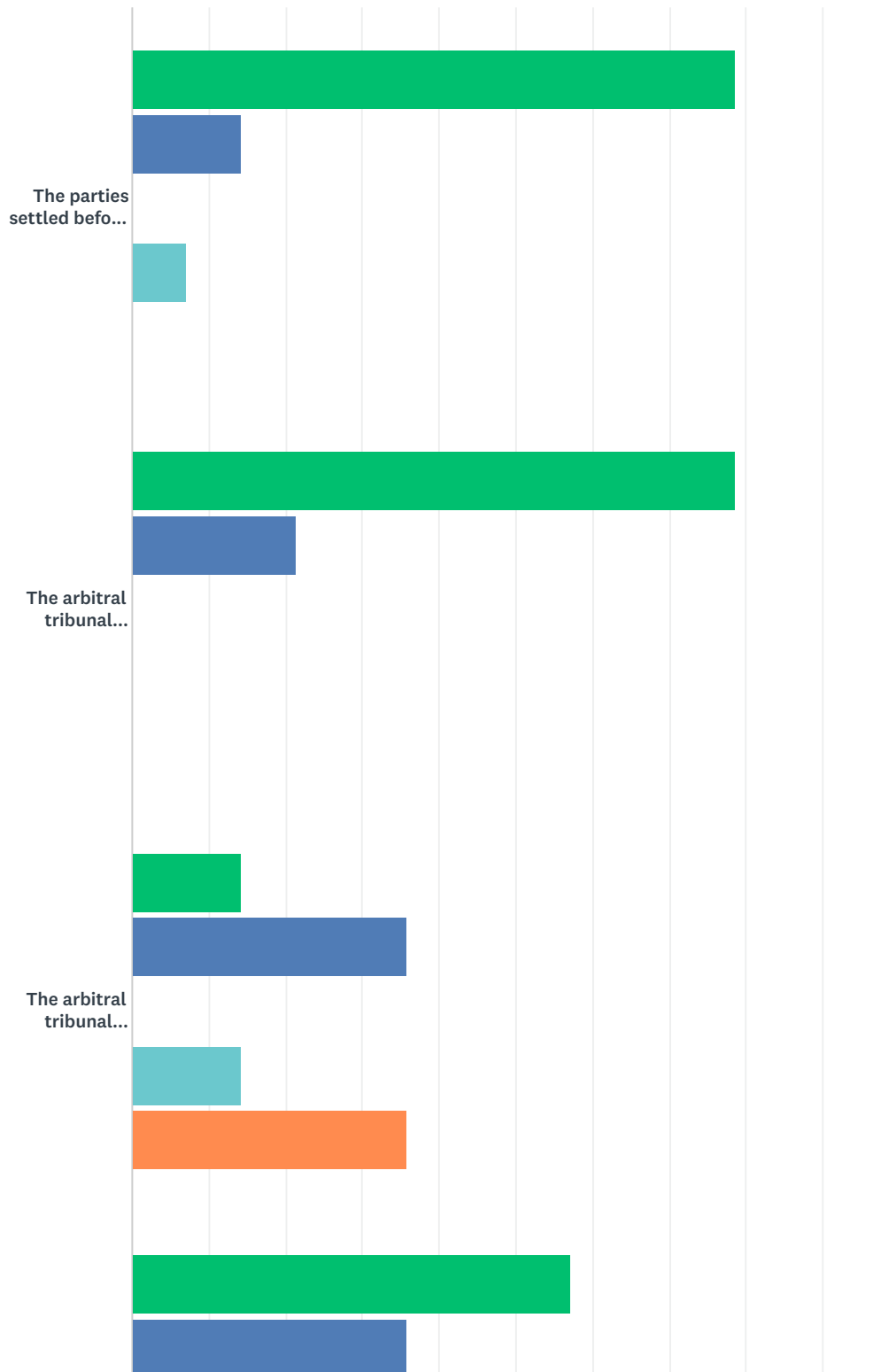
Answered: 15 Skipped: 0



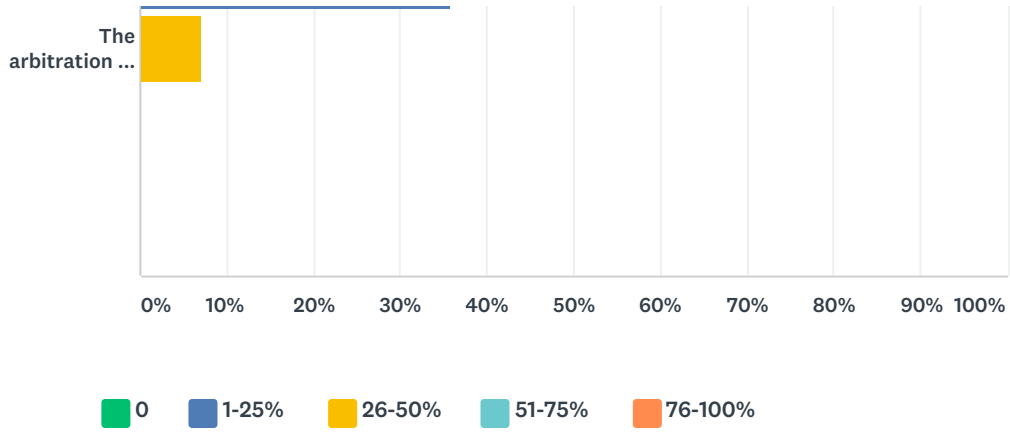
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	20.00% 3	66.67% 10	13.33% 2	0.00% 0	0.00% 0	15
International arbitrations	61.54% 8	38.46% 5	0.00% 0	0.00% 0	0.00% 0	13

**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: 15 Skipped: 0



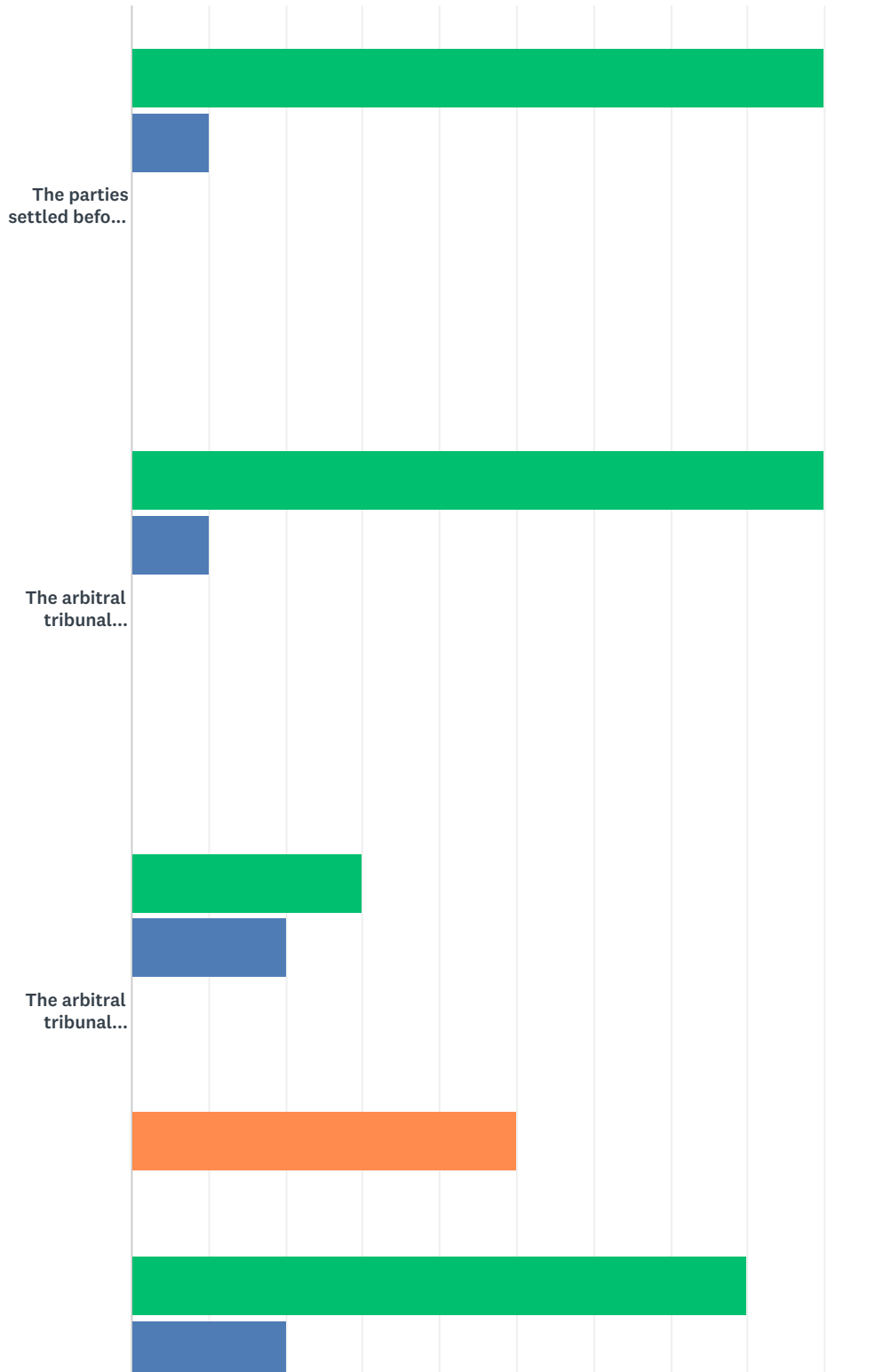
## Survey on the Law and Practice of Arbitration in the Americas



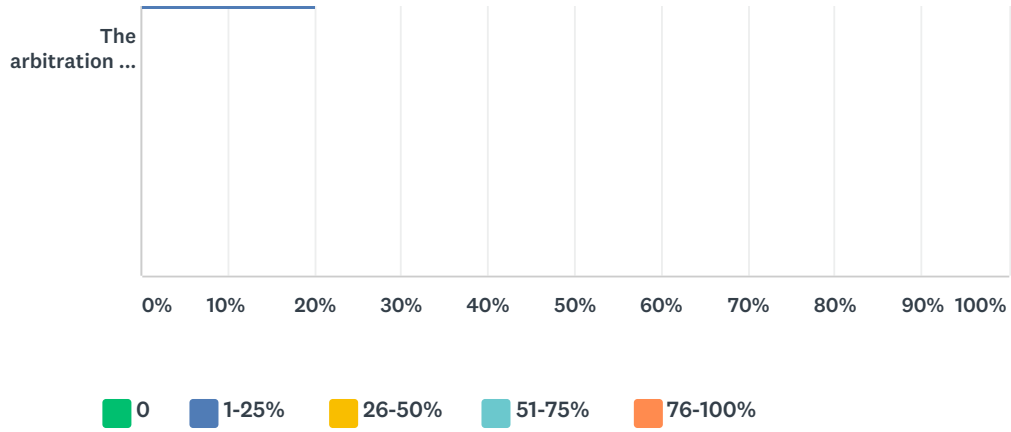
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	78.57% 11	14.29% 2	0.00% 0	7.14% 1	0.00% 0	14
The arbitral tribunal declined jurisdiction because of a finding that no valid arbitration agreement existed.	78.57% 11	21.43% 3	0.00% 0	0.00% 0	0.00% 0	14
The arbitral tribunal accepted jurisdiction because of a finding that a valid arbitration agreement existed.	14.29% 2	35.71% 5	0.00% 0	14.29% 2	35.71% 5	14
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	57.14% 8	35.71% 5	7.14% 1	0.00% 0	0.00% 0	14

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: 15 Skipped: 0



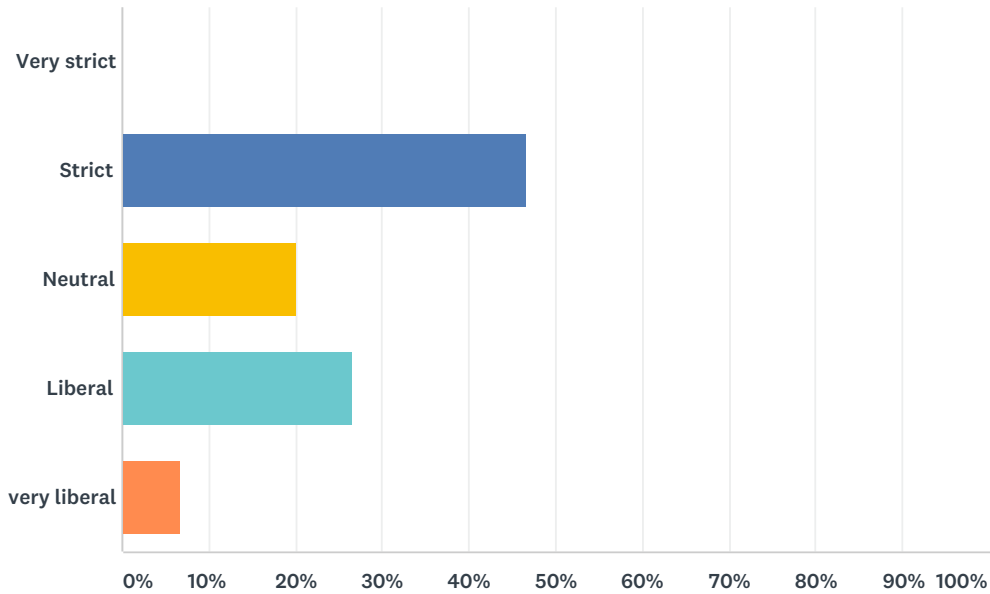
## Survey on the Law and Practice of Arbitration in the Americas



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	90.00% 9	10.00% 1	0.00% 0	0.00% 0	0.00% 0	10
The arbitral tribunal declined jurisdiction because of a finding that no valid arbitration agreement existed.	90.00% 9	10.00% 1	0.00% 0	0.00% 0	0.00% 0	10
The arbitral tribunal accepted jurisdiction because of a finding that a valid arbitration agreement existed.	30.00% 3	20.00% 2	0.00% 0	0.00% 0	50.00% 5	10
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	80.00% 8	20.00% 2	0.00% 0	0.00% 0	0.00% 0	10

**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.**

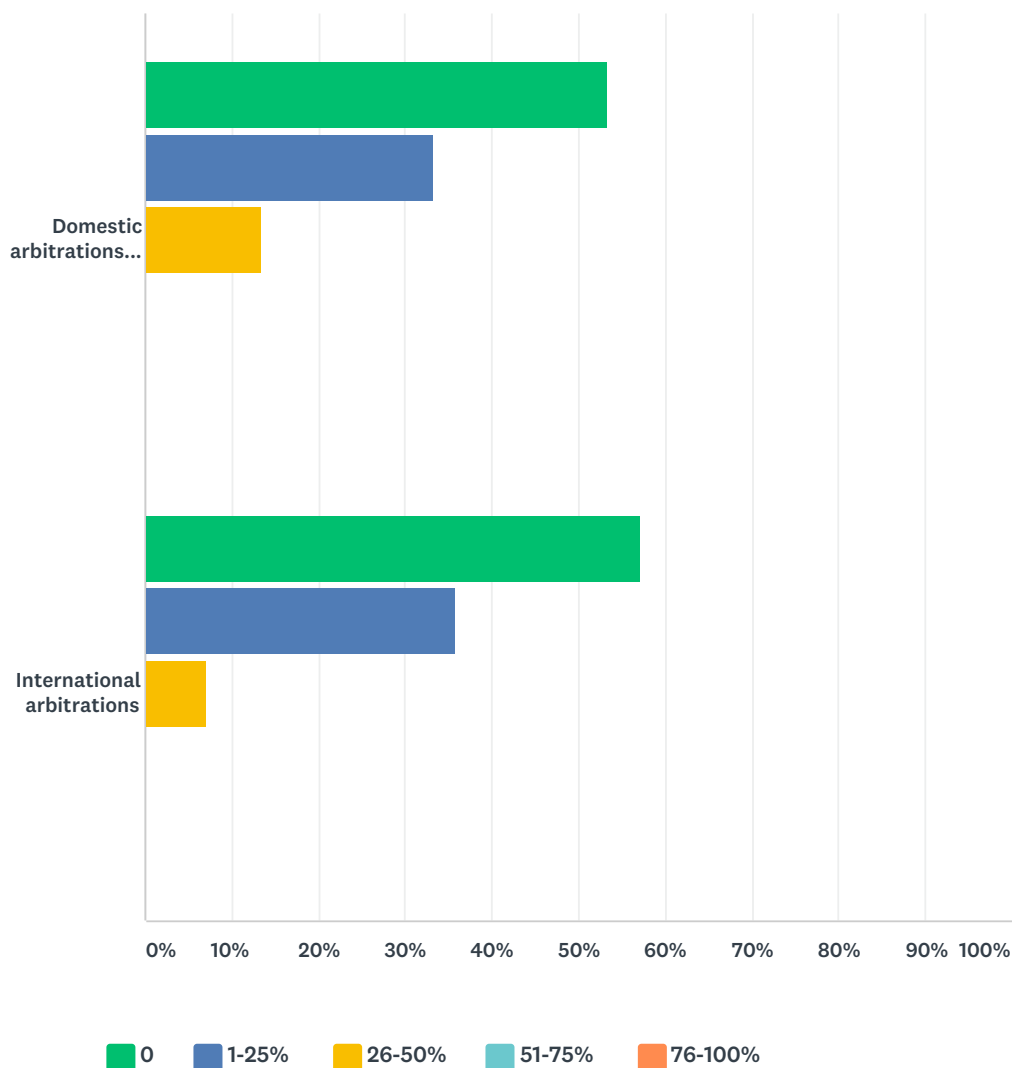
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very strict	0.00%	0
Strict	46.67%	7
Neutral	20.00%	3
Liberal	26.67%	4
very liberal	6.67%	1
<b>TOTAL</b>		<b>15</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: 15 Skipped: 0



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

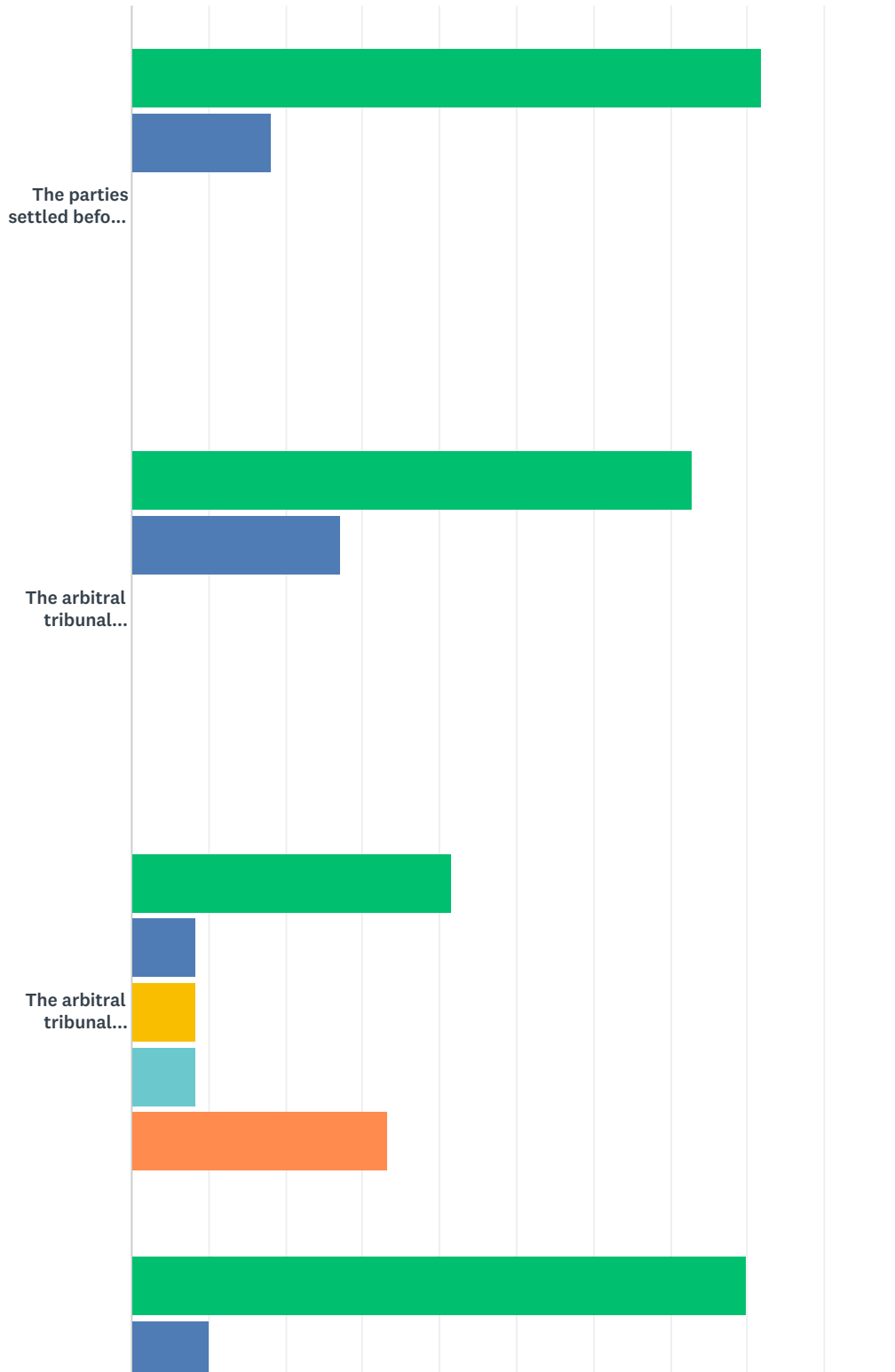


## Survey on the Law and Practice of Arbitration in the Americas

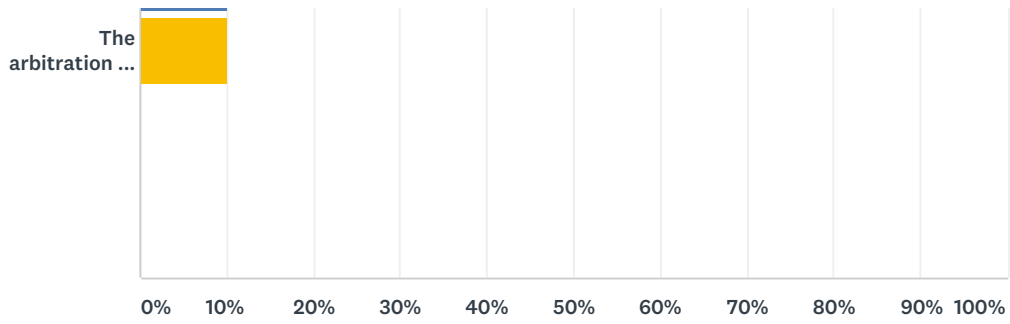
Domestic arbitrations seated in your Country	53.33%	33.33%	13.33%	0.00%	0.00%	15
	8	5	2	0	0	
International arbitrations	57.14%	35.71%	7.14%	0.00%	0.00%	14
	8	5	1	0	0	

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: 15 Skipped: 0



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

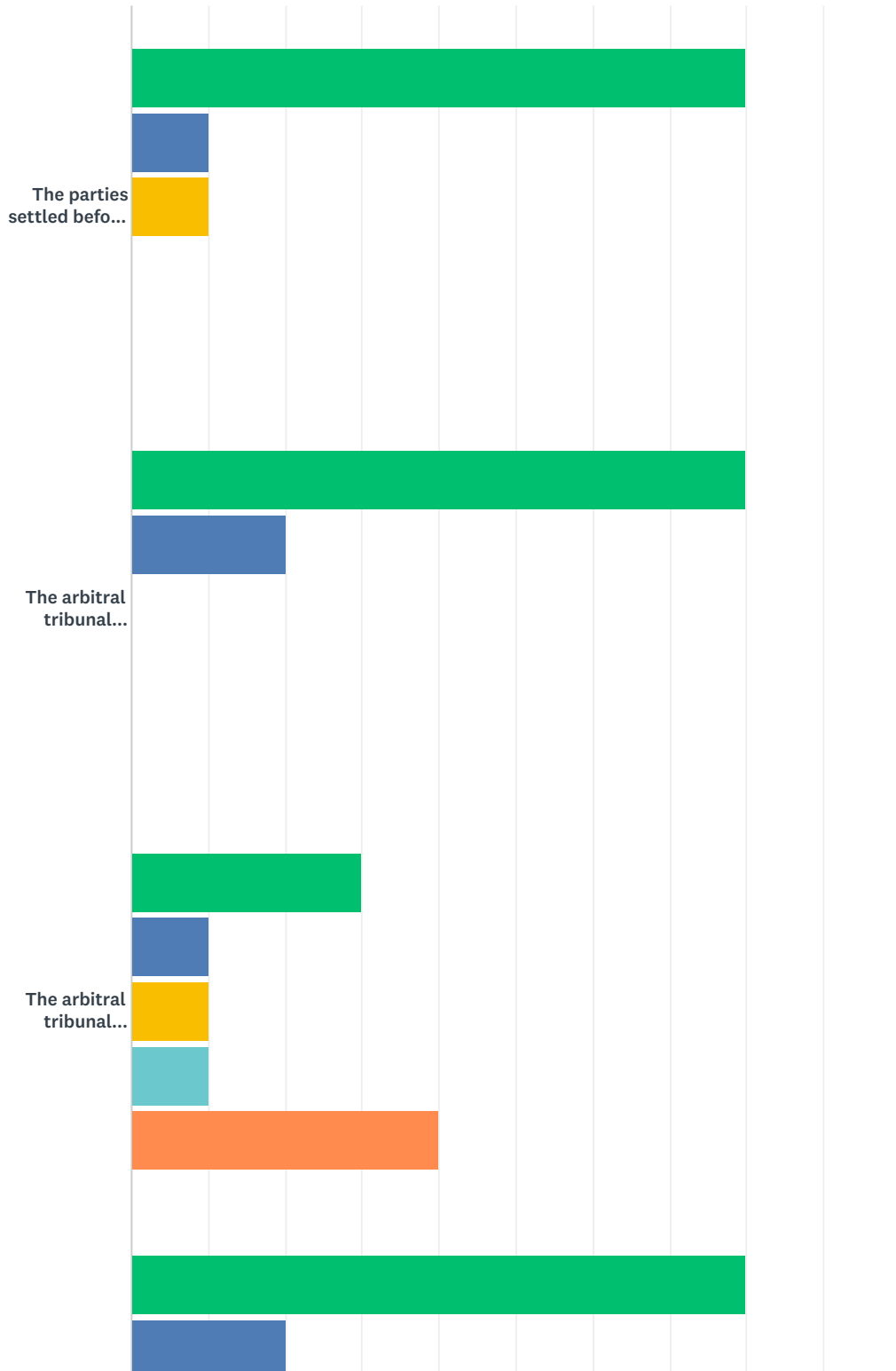


■ 0   
 ■ 1-25%   
 ■ 26-50%   
 ■ 51-75%   
 ■ 76-100%

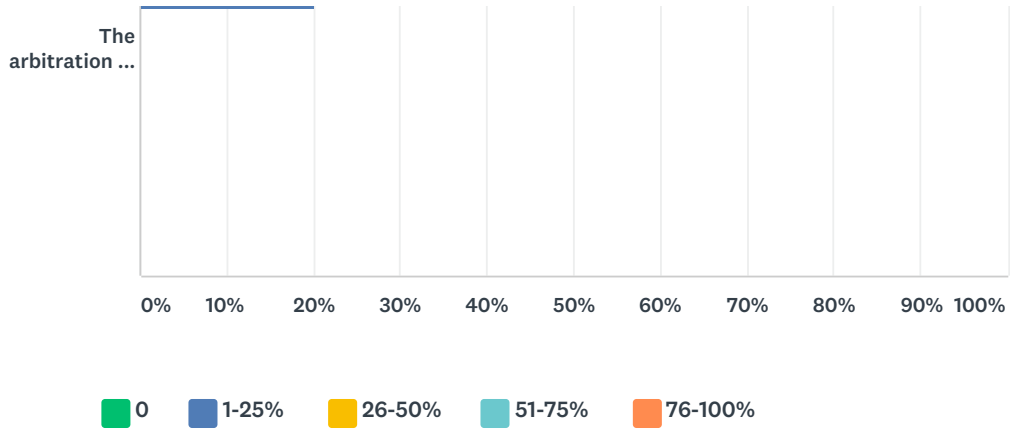
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	81.82% 9	18.18% 2	0.00% 0	0.00% 0	0.00% 0	11
The arbitral tribunal declined jurisdiction over at least one element of the claim.	72.73% 8	27.27% 3	0.00% 0	0.00% 0	0.00% 0	11
The arbitral tribunal accepted jurisdiction over all elements of the claim.	41.67% 5	8.33% 1	8.33% 1	8.33% 1	33.33% 4	12
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	80.00% 8	10.00% 1	10.00% 1	0.00% 0	0.00% 0	10

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: 15 Skipped: 0



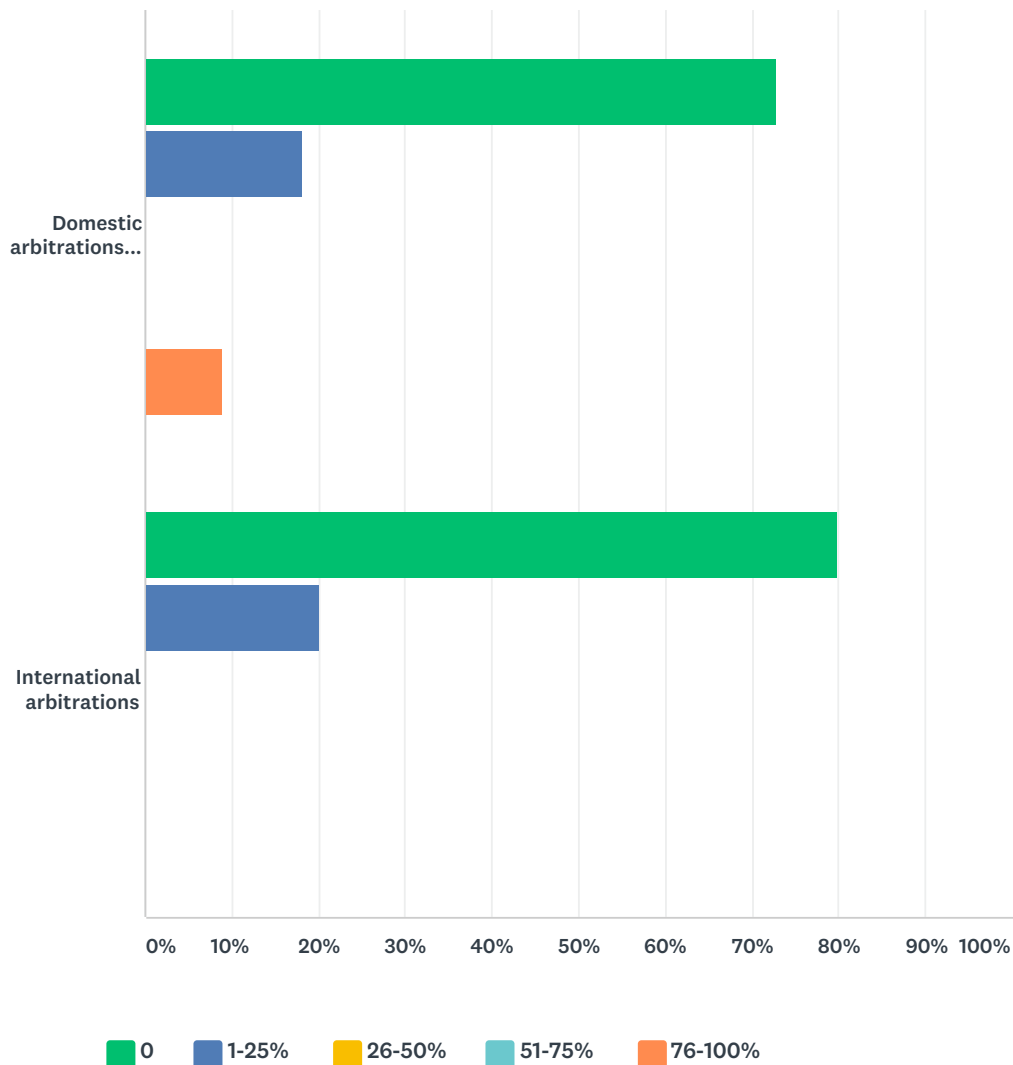
## Survey on the Law and Practice of Arbitration in the Americas



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
The parties settled before the tribunal delivered a decision on the issue.	80.00% 8	10.00% 1	10.00% 1	0.00% 0	0.00% 0	10
The arbitral tribunal declined jurisdiction over at least one element of the claim.	80.00% 8	20.00% 2	0.00% 0	0.00% 0	0.00% 0	10
The arbitral tribunal accepted jurisdiction over all elements of the claim.	30.00% 3	10.00% 1	10.00% 1	10.00% 1	40.00% 4	10
The arbitration was terminated on some other ground, or the tribunal has not yet issued its decision on the matter.	80.00% 8	20.00% 2	0.00% 0	0.00% 0	0.00% 0	10

**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.

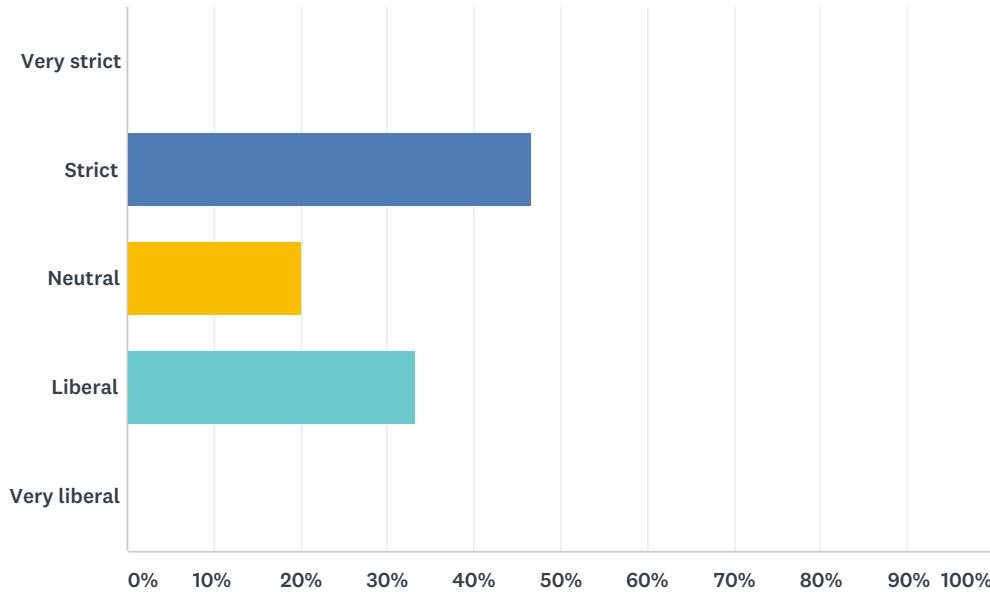
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	72.73% 8	18.18% 2	0.00% 0	0.00% 0	9.09% 1	11
International arbitrations	80.00% 8	20.00% 2	0.00% 0	0.00% 0	0.00% 0	10

**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.**

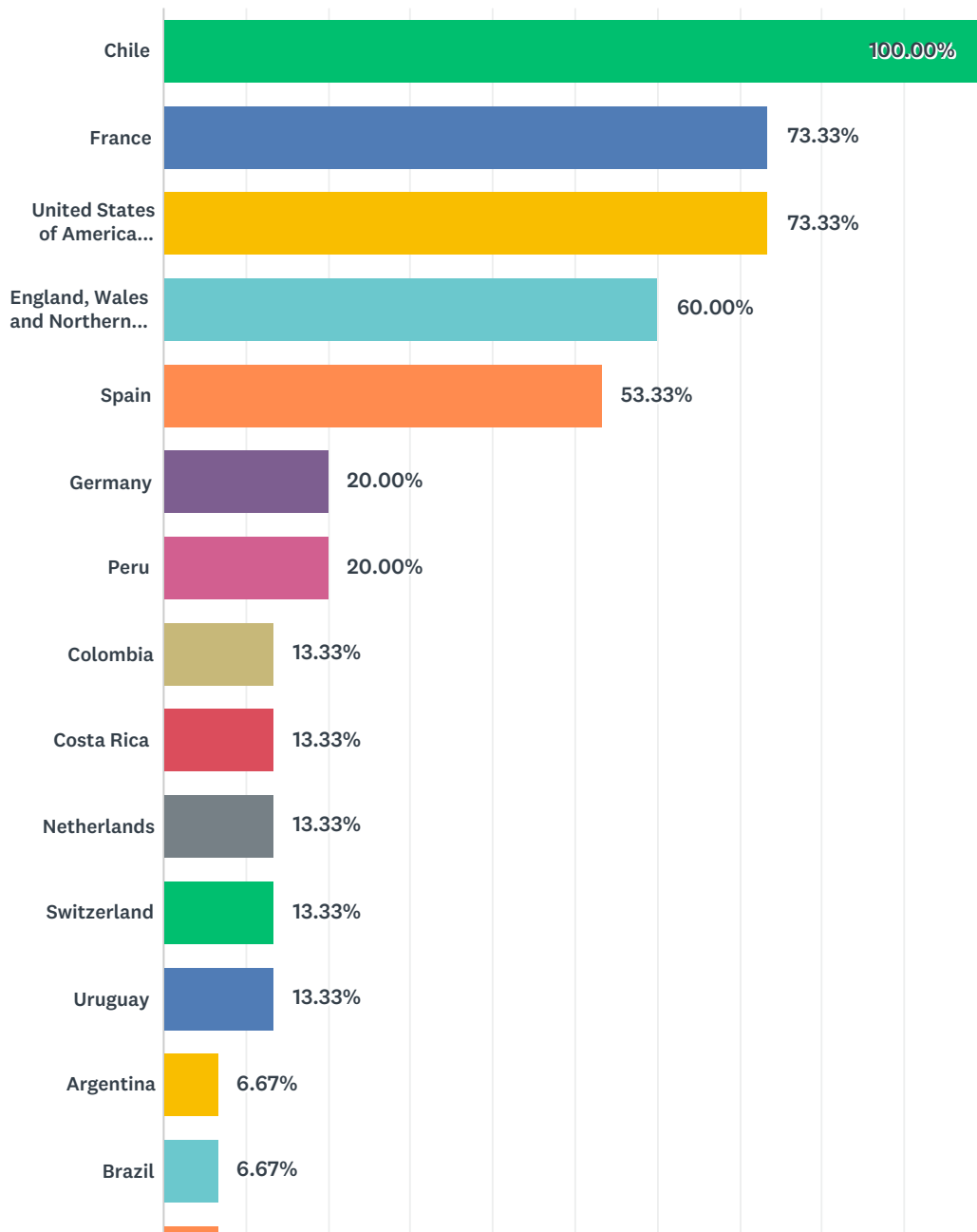
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very strict	0.00%	0
Strict	46.67%	7
Neutral	20.00%	3
Liberal	33.33%	5
Very liberal	0.00%	0
<b>TOTAL</b>		<b>15</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: 15 Skipped: 0





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



Survey on the Law and Practice of Arbitration in the Americas

Dubai  
Internationa...  
Ecuador  
Egypt  
El Salvador  
Falkland  
Islands  
French Guiana  
Greenland  
Grenada  
Guadeloupe  
Guatemala  
Guyana  
Haiti  
Honduras  
Jamaica  
Martinique  
Mexico  
Montserrat  
Nicaragua  
Panama  
Paraguay  
Portugal

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



ANSWER CHOICES	RESPONSES	
Chile	100.00%	15
France	73.33%	11
United States of America (incl. Puerto Rico and the United States Virgin Islands)	73.33%	11
England, Wales and Northern Ireland	60.00%	9
Spain	53.33%	8
Germany	20.00%	3
Peru	20.00%	3
Colombia	13.33%	2
Costa Rica	13.33%	2
Netherlands	13.33%	2
Switzerland	13.33%	2

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

Uruguay	13.33%	2
Argentina	6.67%	1
Brazil	6.67%	1
Canada	6.67%	1
Hong Kong	6.67%	1
Singapore	6.67%	1
Anguilla	0.00%	0
Antigua and Barbuda	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
British Virgin Islands	0.00%	0
Caribbean Netherlands (Bonaire, Sint Eustatius, Saba)	0.00%	0
Cayman Islands	0.00%	0
China (not including Hong Kong)	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
Greenland	0.00%	0
Grenada	0.00%	0
Guadeloupe	0.00%	0
Guatemala	0.00%	0
Guyana	0.00%	0

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

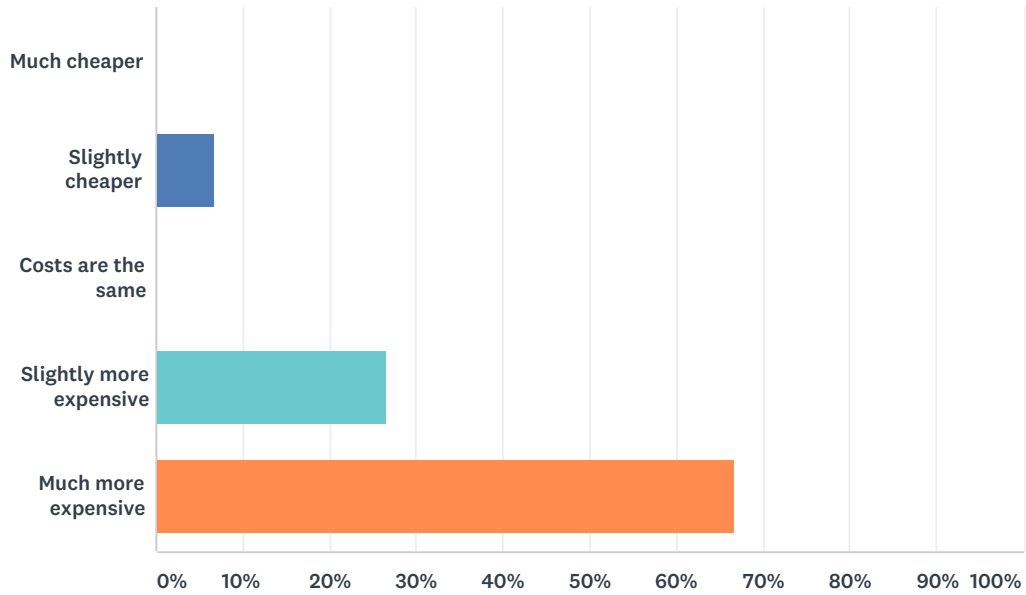
Haiti	0.00%	0
Honduras	0.00%	0
Jamaica	0.00%	0
Martinique	0.00%	0
Mexico	0.00%	0
Montserrat	0.00%	0
Nicaragua	0.00%	0
Panama	0.00%	0
Paraguay	0.00%	0
Portugal	0.00%	0
Saint Barthélemy	0.00%	0
Saint Kitts & Nevis	0.00%	0
Saint Lucia	0.00%	0
Saint Martin	0.00%	0
Saint Pierre and Miquelon	0.00%	0
Saint Vincent & the Grenadines	0.00%	0
Sint Maarten	0.00%	0
Suriname	0.00%	0
Sweden	0.00%	0
Trinidad and Tobago	0.00%	0
Turks & Caicos Islands	0.00%	0
Venezuela	0.00%	0
Total Respondents: 15		

#	PLEASE SPECIFY A CITY FOR EACH JURISDICTION CHOSEN	DATE
1	New York, Santiago, Londres, Madrid, La Haya	4/18/2017 12:57 PM
2	Chile: santiago Francia: paris Costa Rica: san Jose España: Madrid Brasil: sao Paulo	1/4/2017 1:13 PM
3	Chile - Santiago Alemania - Frankfurt Francia - Paris Inglaterra - Londres Estados Unidos - Nueva York	12/15/2016 3:05 PM
4	Alemania - Berlin Francia - Paris Chile - Santiago Inglaterra - Londres Estados Unidos - Nueva York	12/15/2016 2:31 PM
5	Toronto Santiago Bogotá Londres NYC	10/3/2016 4:35 PM
6	Chile: Santiago England: London France: Paris Spain: Madrid USA: New York	7/23/2016 10:20 PM
7	Santiago Paris Lima Madrid New York	6/29/2016 4:29 PM
8	Santiago, London, Paris, New York and Montevideo	6/22/2016 9:33 PM
9	Santiago (Chile) Paris (France) Lima (Peru) Madrid (Spain) New York (United States of America)	6/20/2016 3:17 PM
10	Argentina - Buenos Aires England - London Spain - Madrid Chile - Santiago Switzerland - geneva or Zurich	5/3/2016 8:33 PM



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

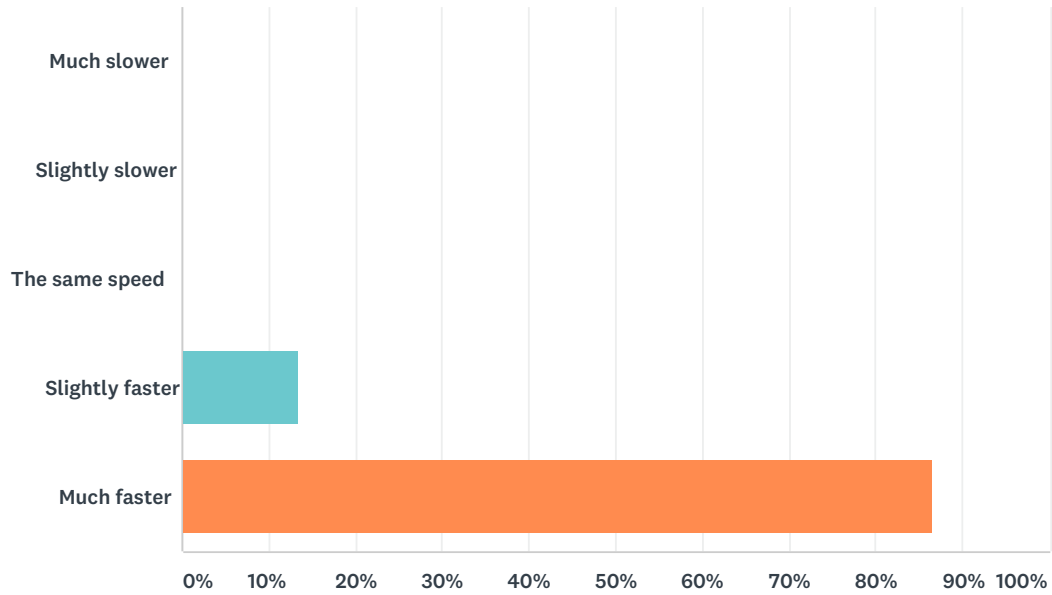
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Much cheaper	0.00%	0
Slightly cheaper	6.67%	1
Costs are the same	0.00%	0
Slightly more expensive	26.67%	4
Much more expensive	66.67%	10
<b>TOTAL</b>		<b>15</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: 15 Skipped: 0

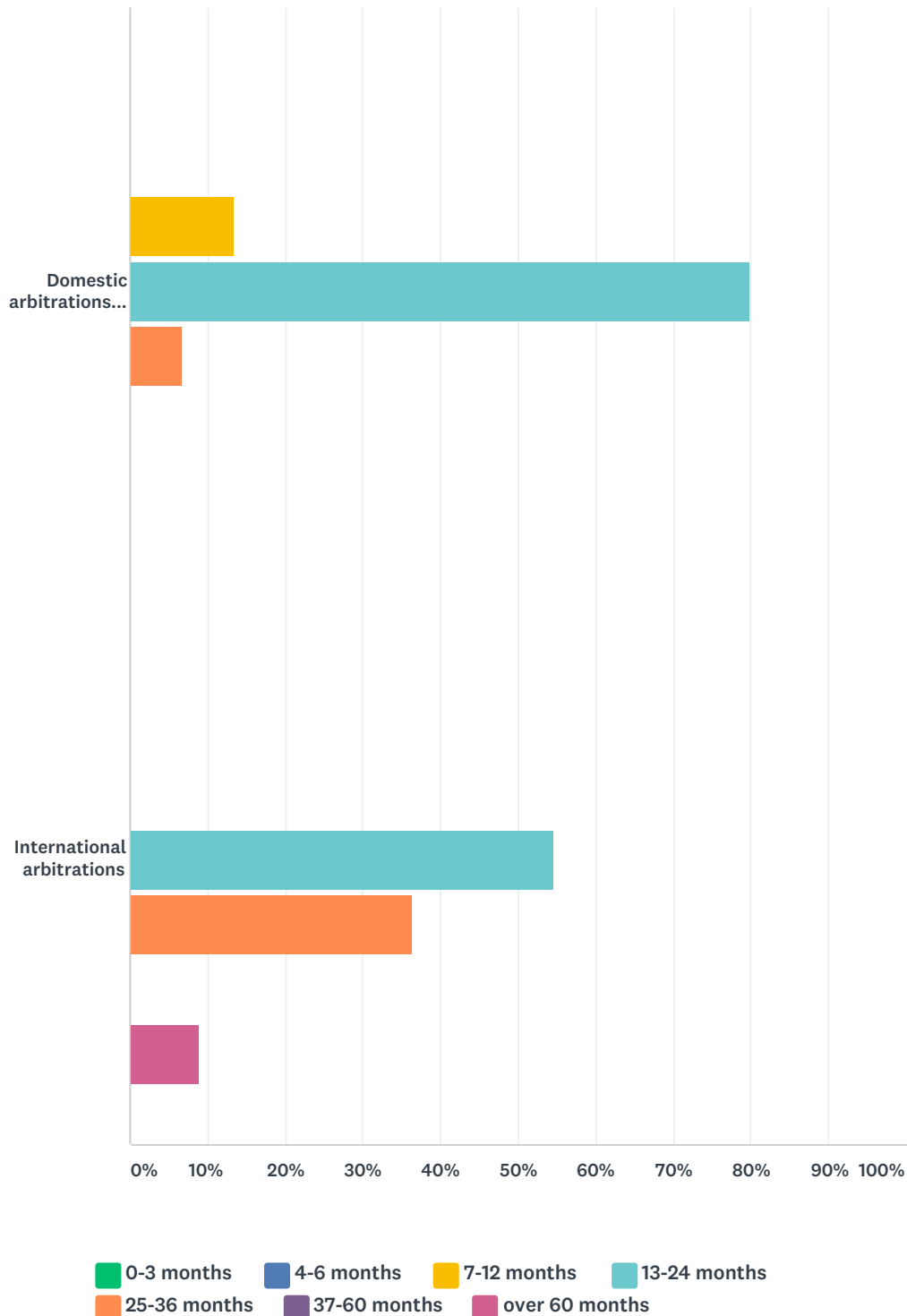


ANSWER CHOICES	RESPONSES
Much slower	0.00% 0
Slightly slower	0.00% 0
The same speed	0.00% 0
Slightly faster	13.33% 2
Much faster	86.67% 13
<b>TOTAL</b>	<b>15</b>



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: 15 Skipped: 0

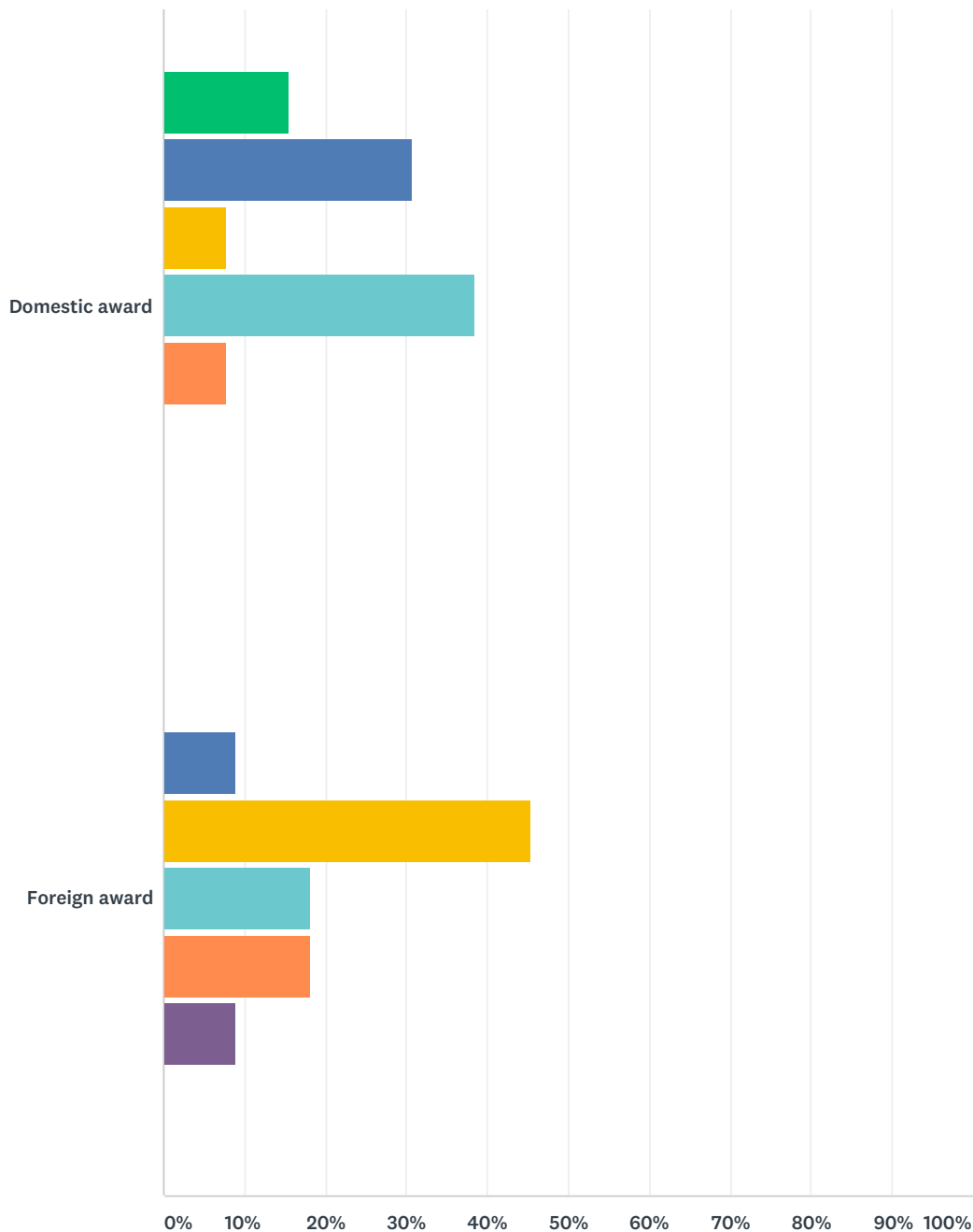


## Survey on the Law and Practice of Arbitration in the Americas

	<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	13.33% 2	80.00% 12	6.67% 1	0.00% 0	0.00% 0	15
International arbitrations	0.00% 0	0.00% 0	0.00% 0	54.55% 6	36.36% 4	0.00% 0	9.09% 1	11

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: 15 Skipped: 0



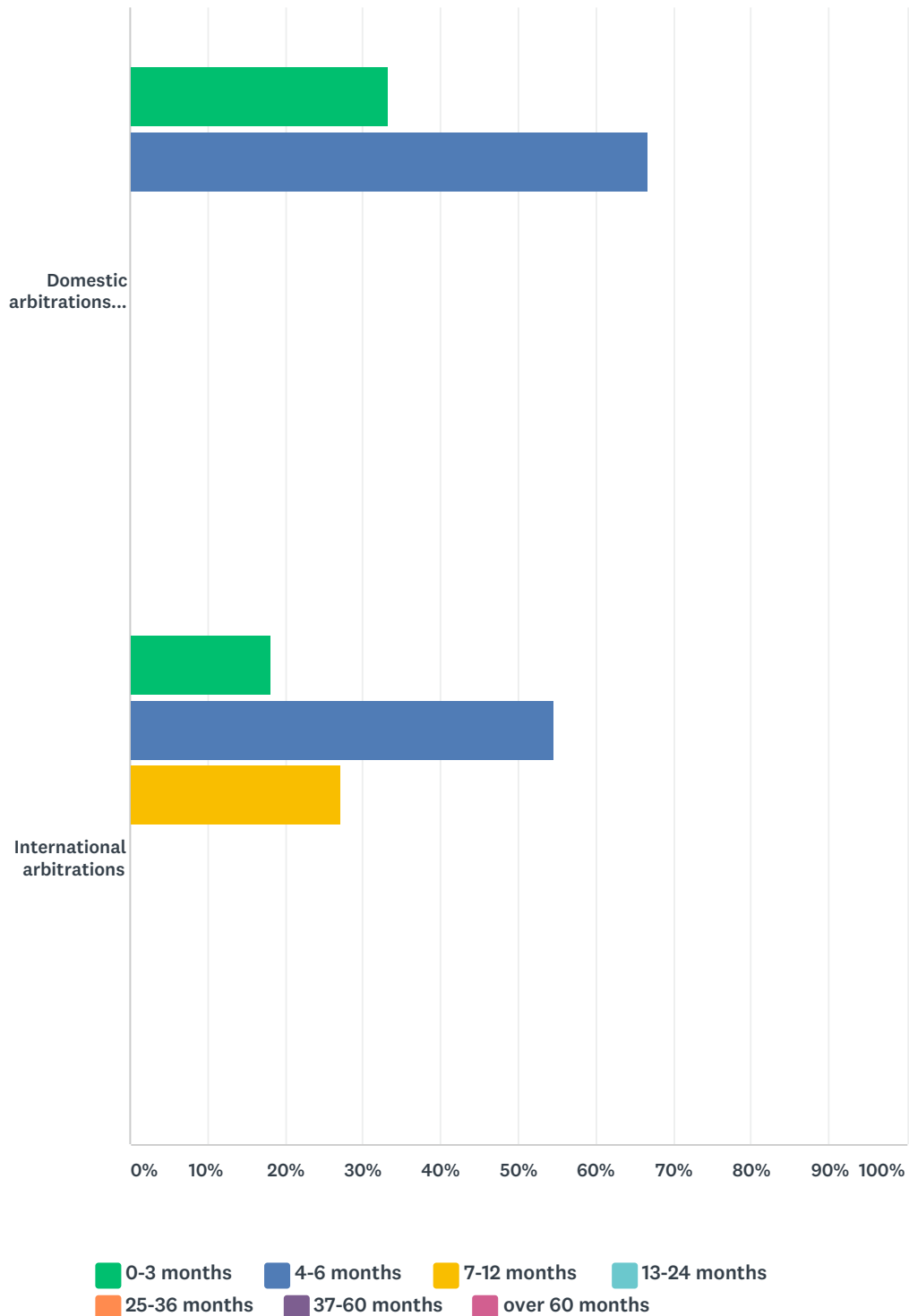
■ 0-3 months   
 ■ 4-6 months   
 ■ 7-12 months   
 ■ 13-24 months  
■ 25-36 months   
 ■ 37-60 months   
 ■ over 60 months

## 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	15.38% 2	30.77% 4	7.69% 1	38.46% 5	7.69% 1	0.00% 0	0.00% 0	13
Foreign award	0.00% 0	9.09% 1	45.45% 5	18.18% 2	18.18% 2	9.09% 1	0.00% 0	11

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: 15 Skipped: 0

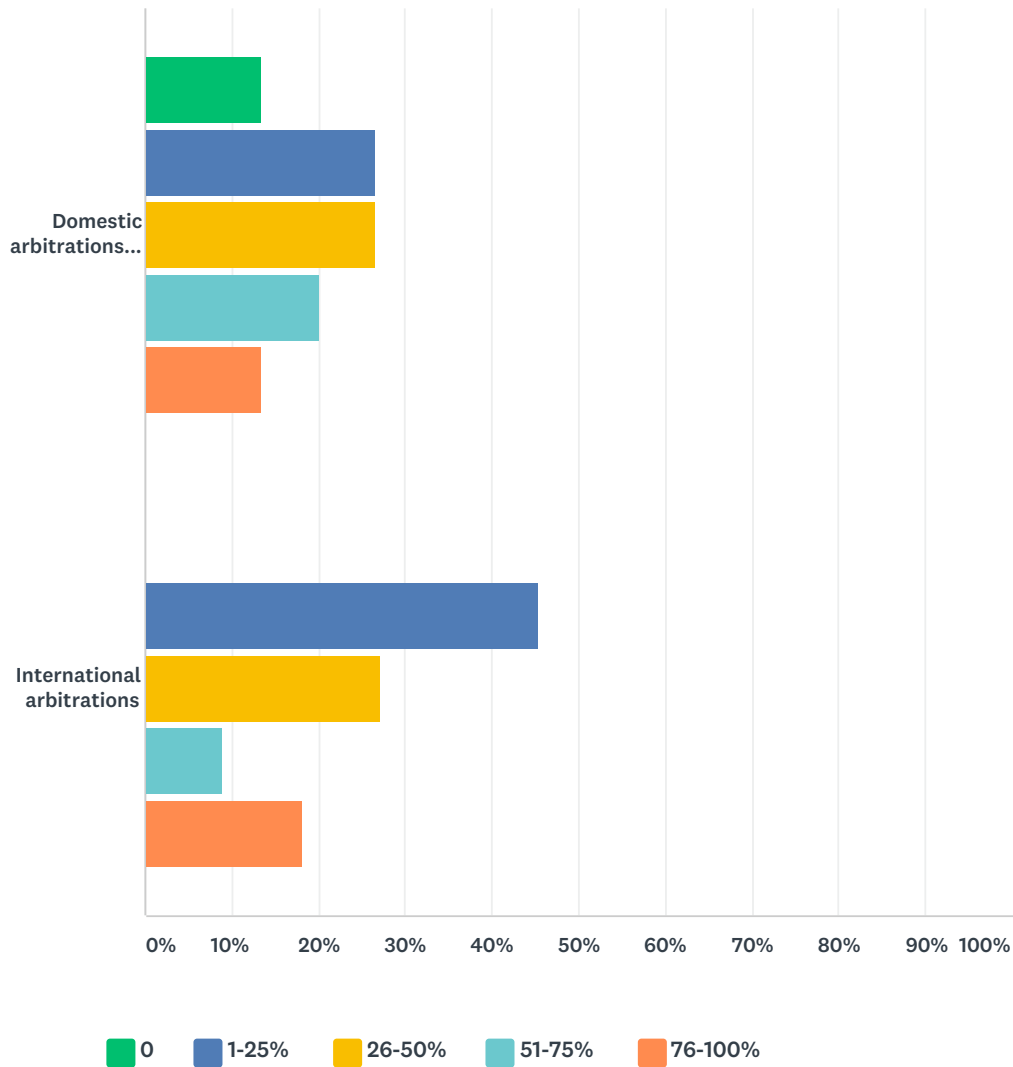


## Survey on the Law and Practice of Arbitration in the Americas

	<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	33.33% 5	66.67% 10	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	15
International arbitrations	18.18% 2	54.55% 6	27.27% 3	0.00% 0	0.00% 0	0.00% 0	0.00% 0	11

**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.

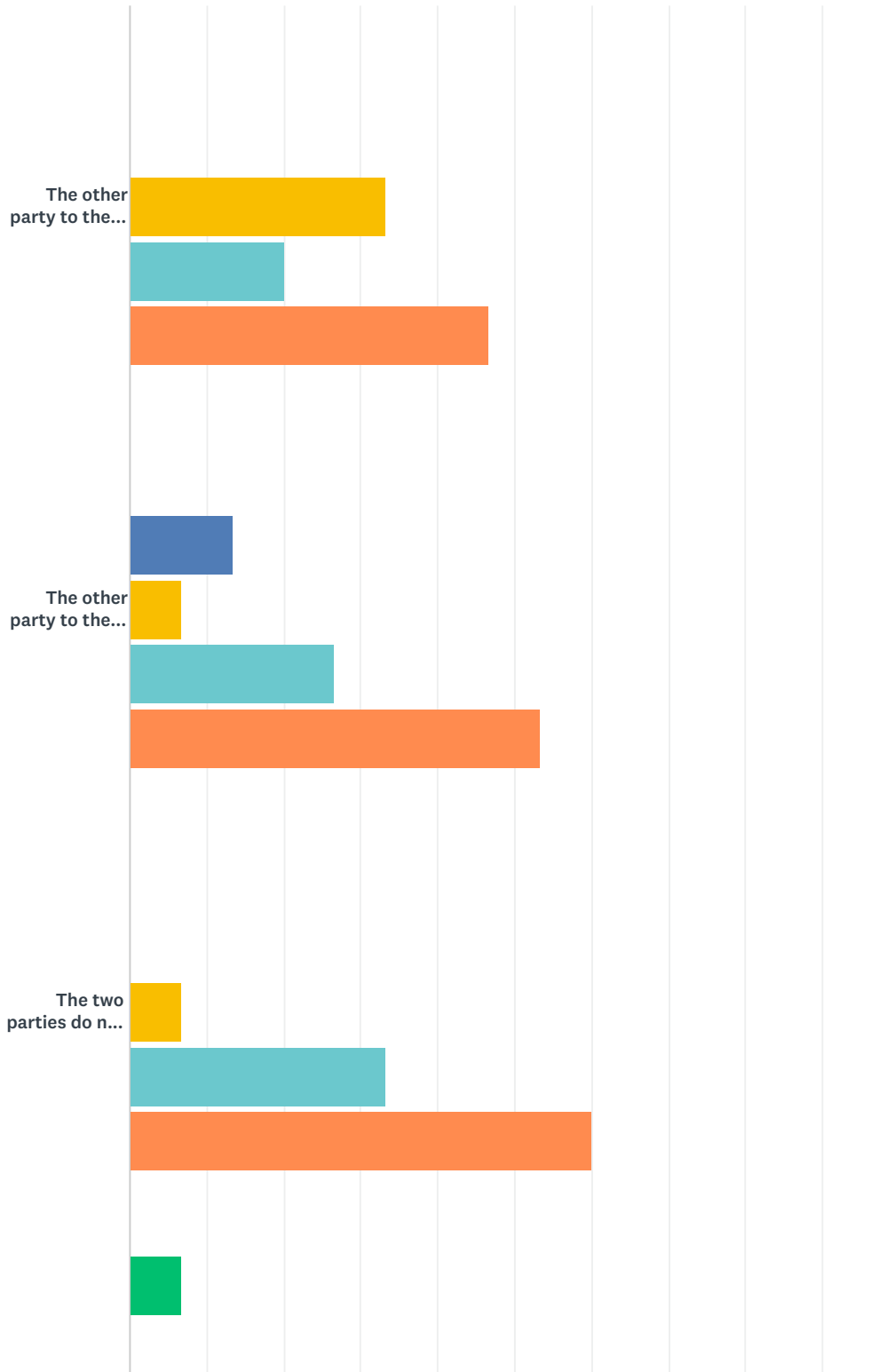
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	13.33% 2	26.67% 4	26.67% 4	20.00% 3	13.33% 2	15
International arbitrations	0.00% 0	45.45% 5	27.27% 3	9.09% 1	18.18% 2	11

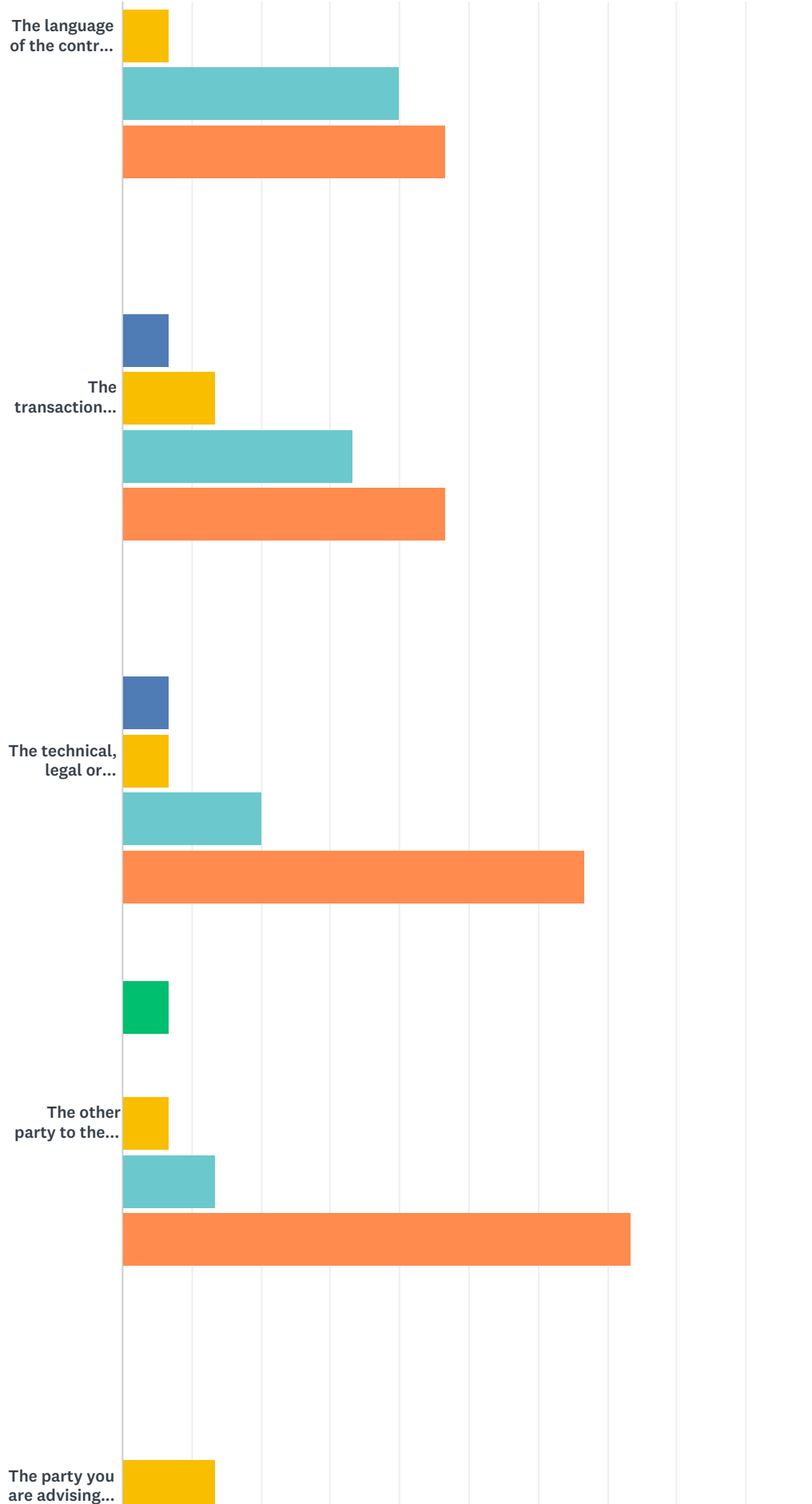
Q40 Assume that a party is entering into a contract. Please evaluate the following features of the contract or its commercial context in terms of the degree to which they would lead you to recommend to the party that an arbitration agreement be included.

Answered: 15 Skipped: 0

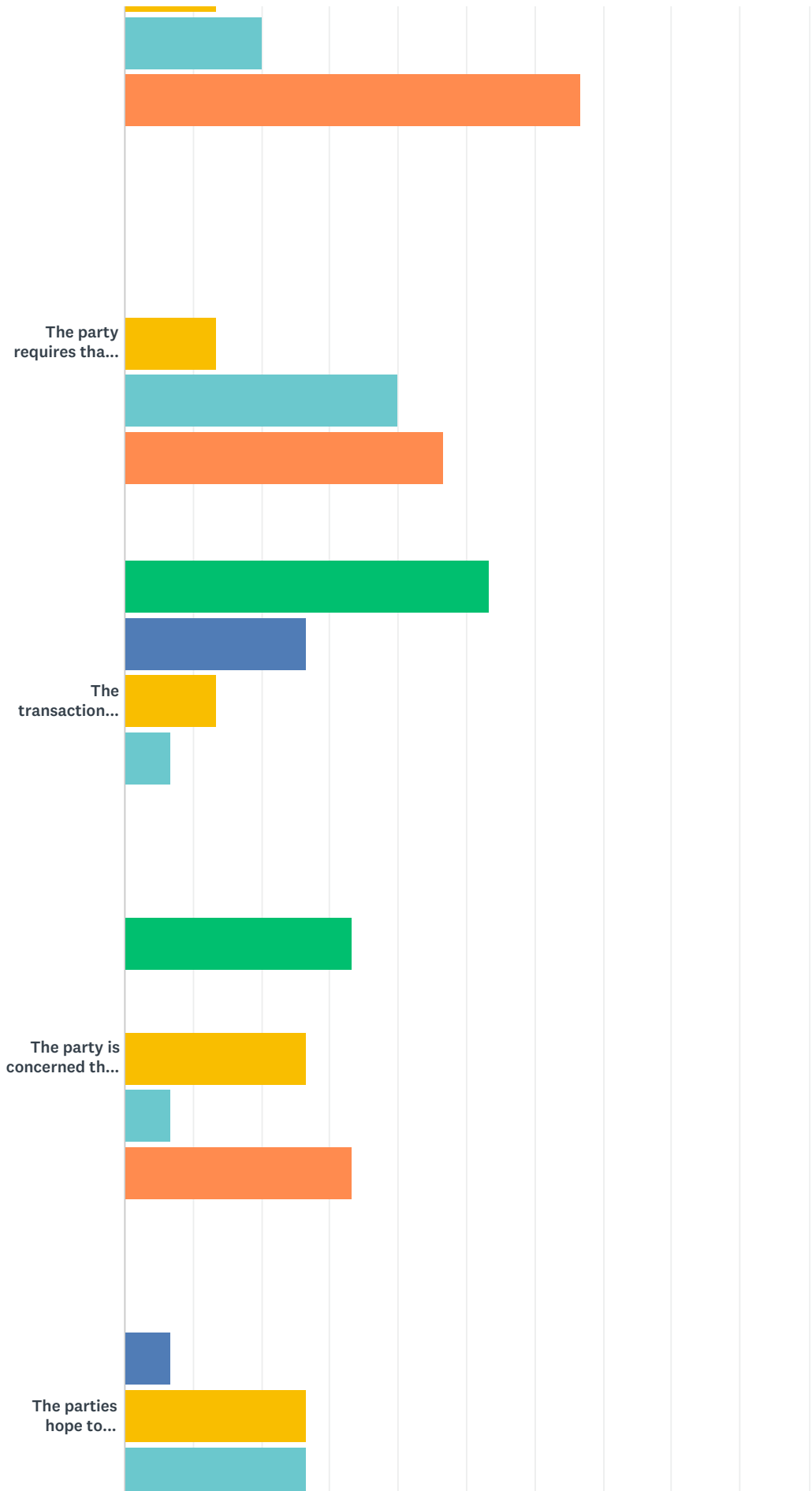




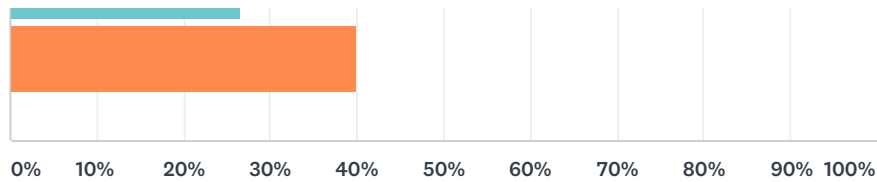
# Survey on the Law and Practice of Arbitration in the Americas



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



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



■ 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	0.00% 0	33.33% 5	20.00% 3	46.67% 7	15
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	13.33% 2	6.67% 1	26.67% 4	53.33% 8	15
The two parties do not share a common native language	0.00% 0	0.00% 0	6.67% 1	33.33% 5	60.00% 9	15
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	6.67% 1	0.00% 0	6.67% 1	40.00% 6	46.67% 7	15
The transaction underlying the contract includes foreign elements (e.g. products are being shipped abroad, products are being produced abroad)	0.00% 0	6.67% 1	13.33% 2	33.33% 5	46.67% 7	15
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	6.67% 1	6.67% 1	20.00% 3	66.67% 10	15
The other party to the contract comes from a Country whose courts have a reputation for corruption or for bias against foreign parties	6.67% 1	0.00% 0	6.67% 1	13.33% 2	73.33% 11	15
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	13.33% 2	20.00% 3	66.67% 10	15
The party requires that any dispute be resolved, and any compensation paid, as quickly as possible	0.00% 0	0.00% 0	13.33% 2	40.00% 6	46.67% 7	15
The transaction underlying the contract is small in value, so that little will be awarded in compensation	53.33% 8	26.67% 4	13.33% 2	6.67% 1	0.00% 0	15
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	33.33% 5	0.00% 0	26.67% 4	6.67% 1	33.33% 5	15

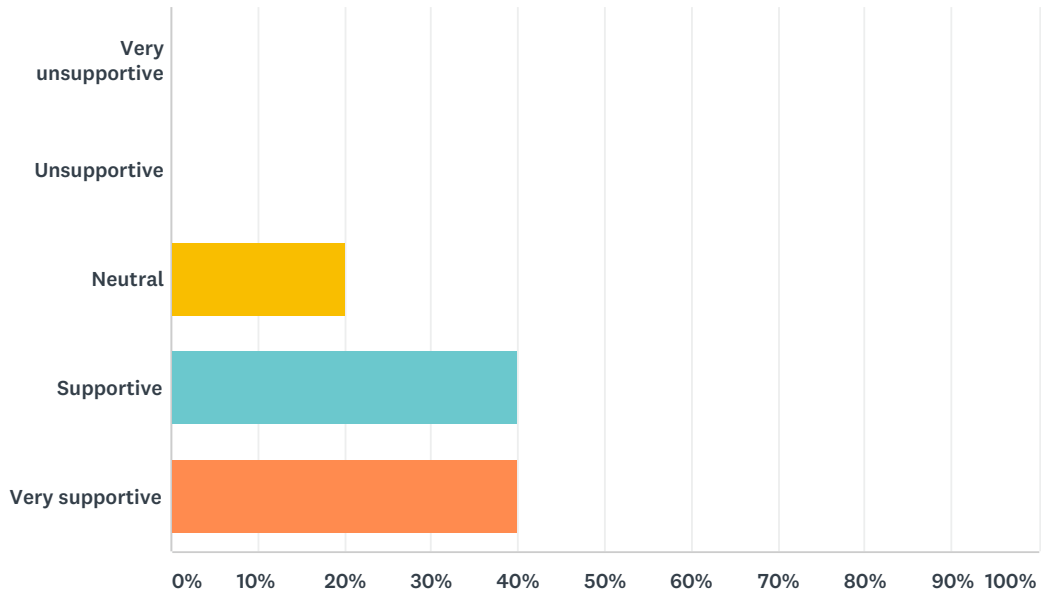
## Survey on the Law and Practice of Arbitration in the Americas

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The parties hope to maintain a long-term relationship, even beyond any disputes that may arise	0.00% 0	6.67% 1	26.67% 4	26.67% 4	40.00% 6	15
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### Q41 How supportive of arbitration would you characterise the laws applicable to domestic arbitration in your Country as being?

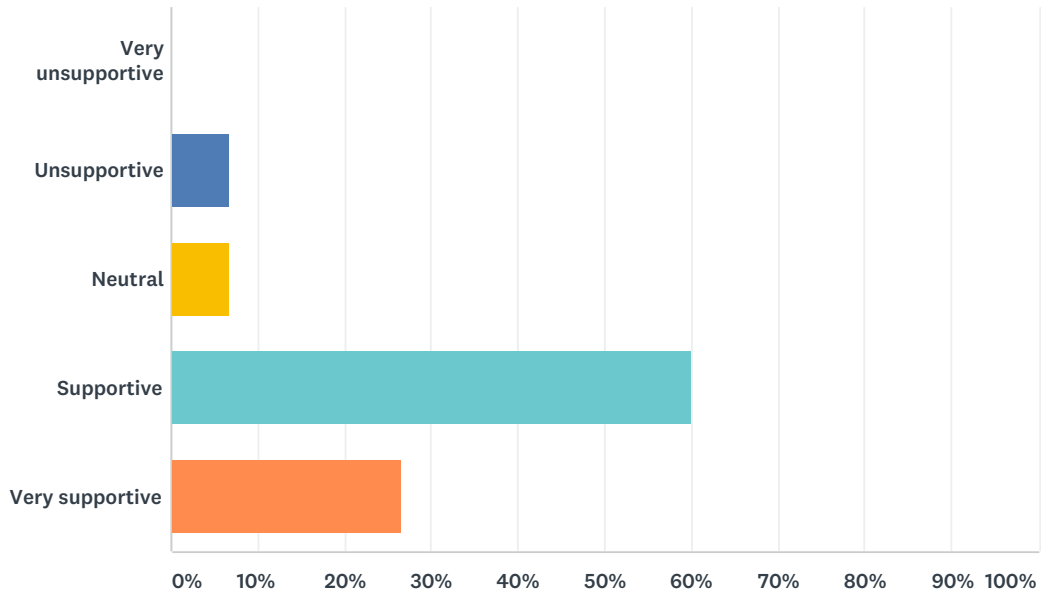
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very unsupportive	0.00%	0
Unsupportive	0.00%	0
Neutral	20.00%	3
Supportive	40.00%	6
Very supportive	40.00%	6
<b>TOTAL</b>		<b>15</b>

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

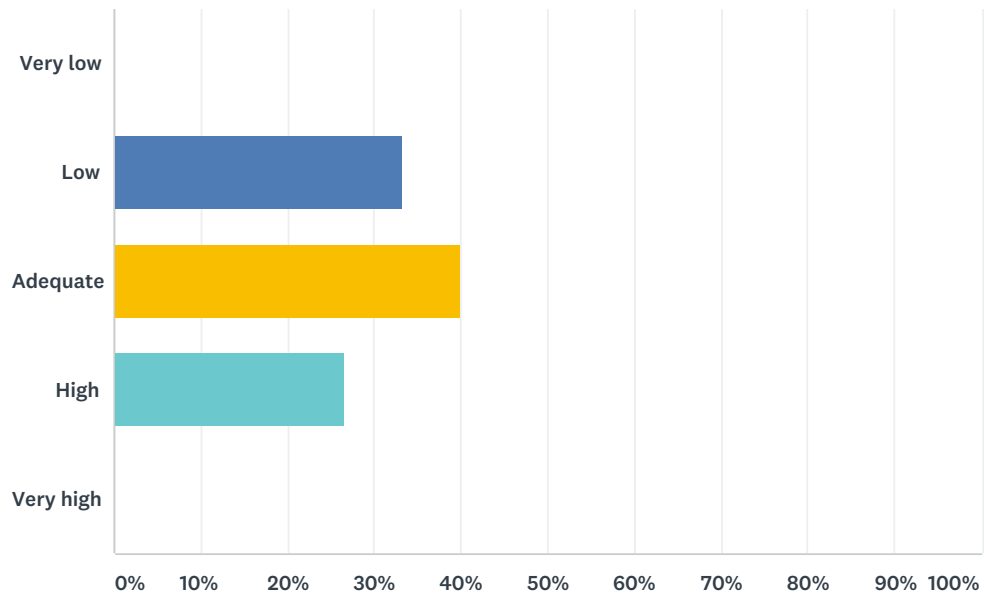
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very unsupportive	0.00%	0
Unsupportive	6.67%	1
Neutral	6.67%	1
Supportive	60.00%	9
Very supportive	26.67%	4
<b>TOTAL</b>		<b>15</b>

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

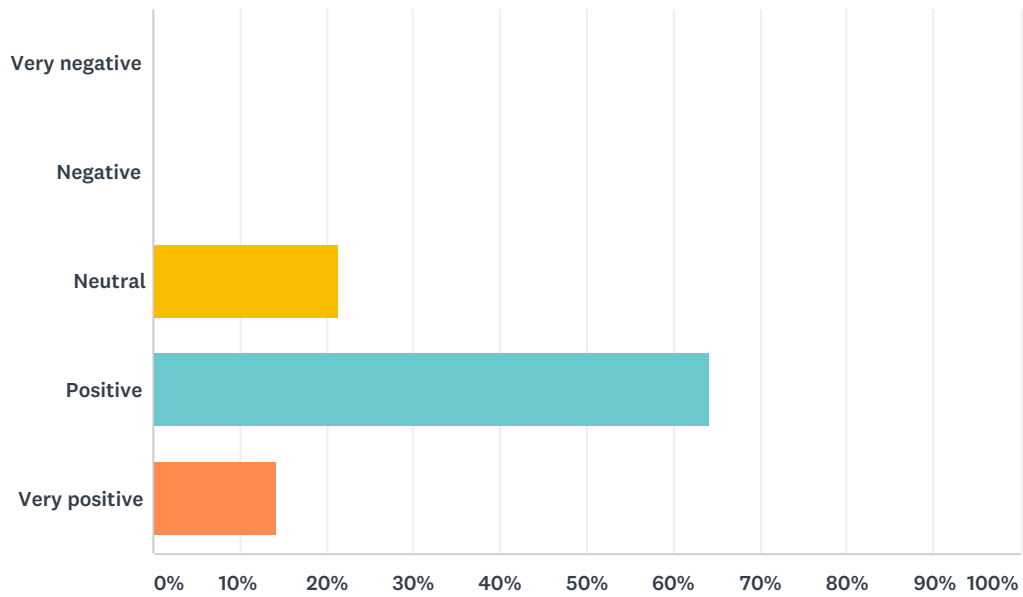
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	33.33%	5
Adequate	40.00%	6
High	26.67%	4
Very high	0.00%	0
<b>TOTAL</b>		<b>15</b>

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

Answered: 15 Skipped: 0

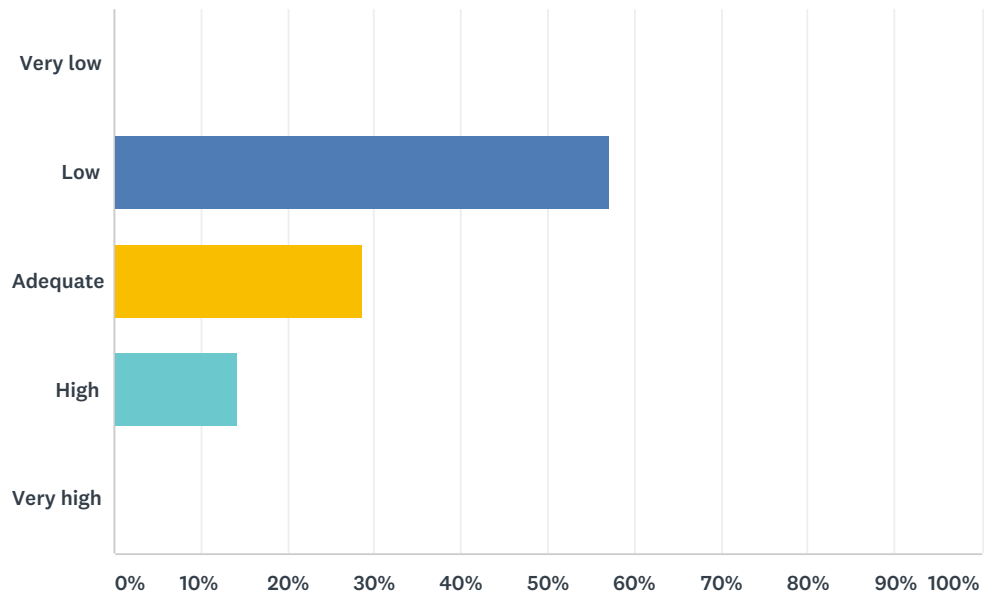


ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	0.00%	0
Neutral	21.43%	3
Positive	64.29%	9
Very positive	14.29%	2
<b>TOTAL</b>		<b>14</b>



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

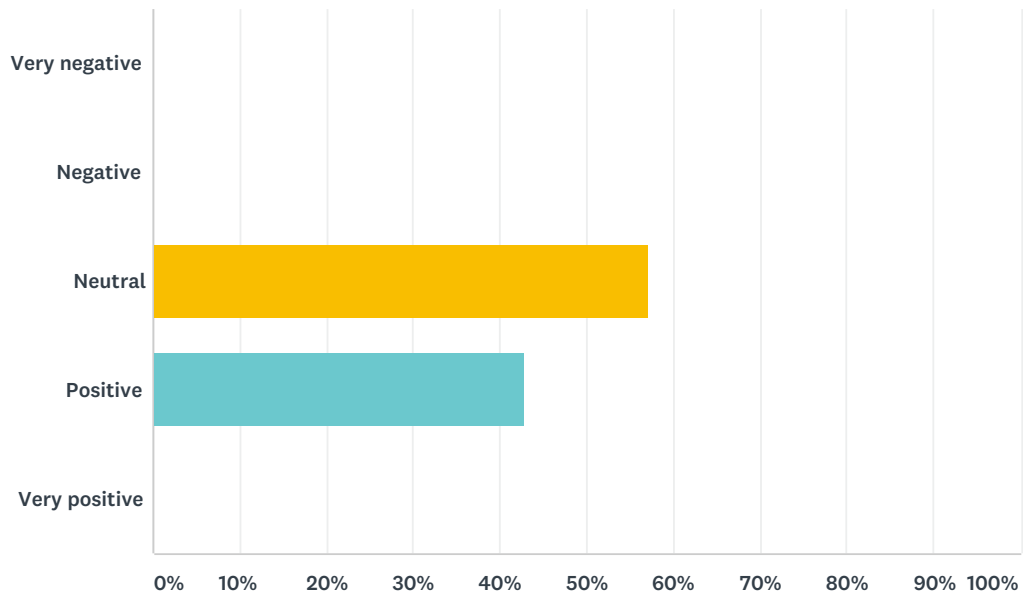
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	57.14%	8
Adequate	28.57%	4
High	14.29%	2
Very high	0.00%	0
<b>TOTAL</b>		<b>14</b>

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

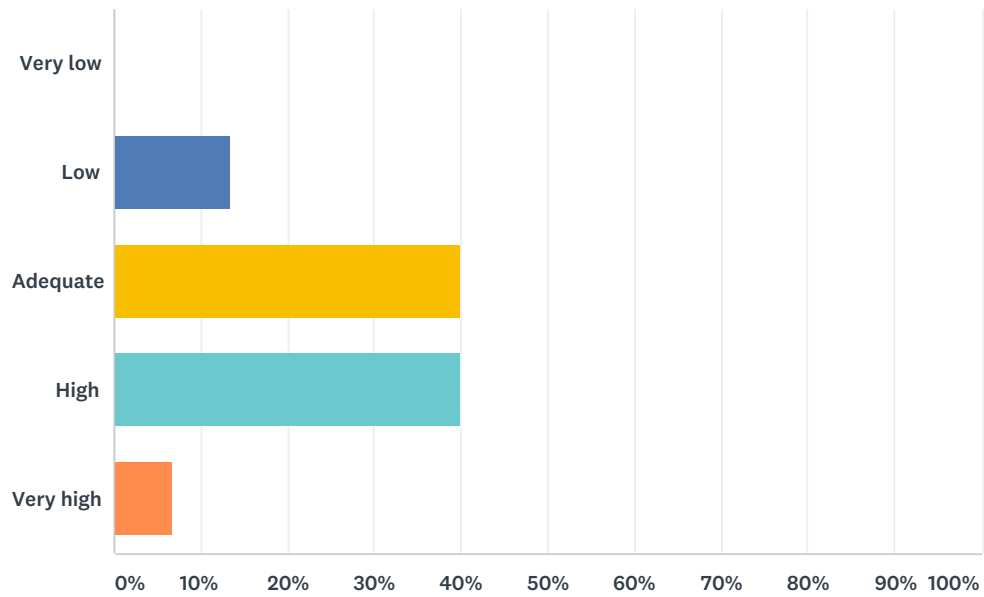
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	0.00%	0
Neutral	57.14%	8
Positive	42.86%	6
Very positive	0.00%	0
<b>TOTAL</b>		<b>14</b>

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

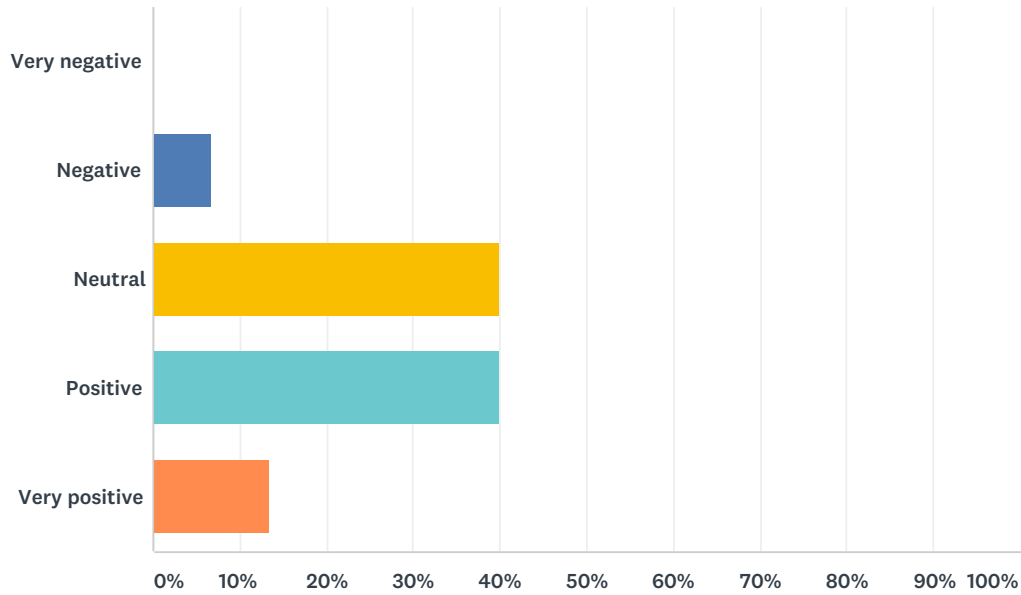
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very low	0.00%	0
Low	13.33%	2
Adequate	40.00%	6
High	40.00%	6
Very high	6.67%	1
<b>TOTAL</b>		<b>15</b>

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

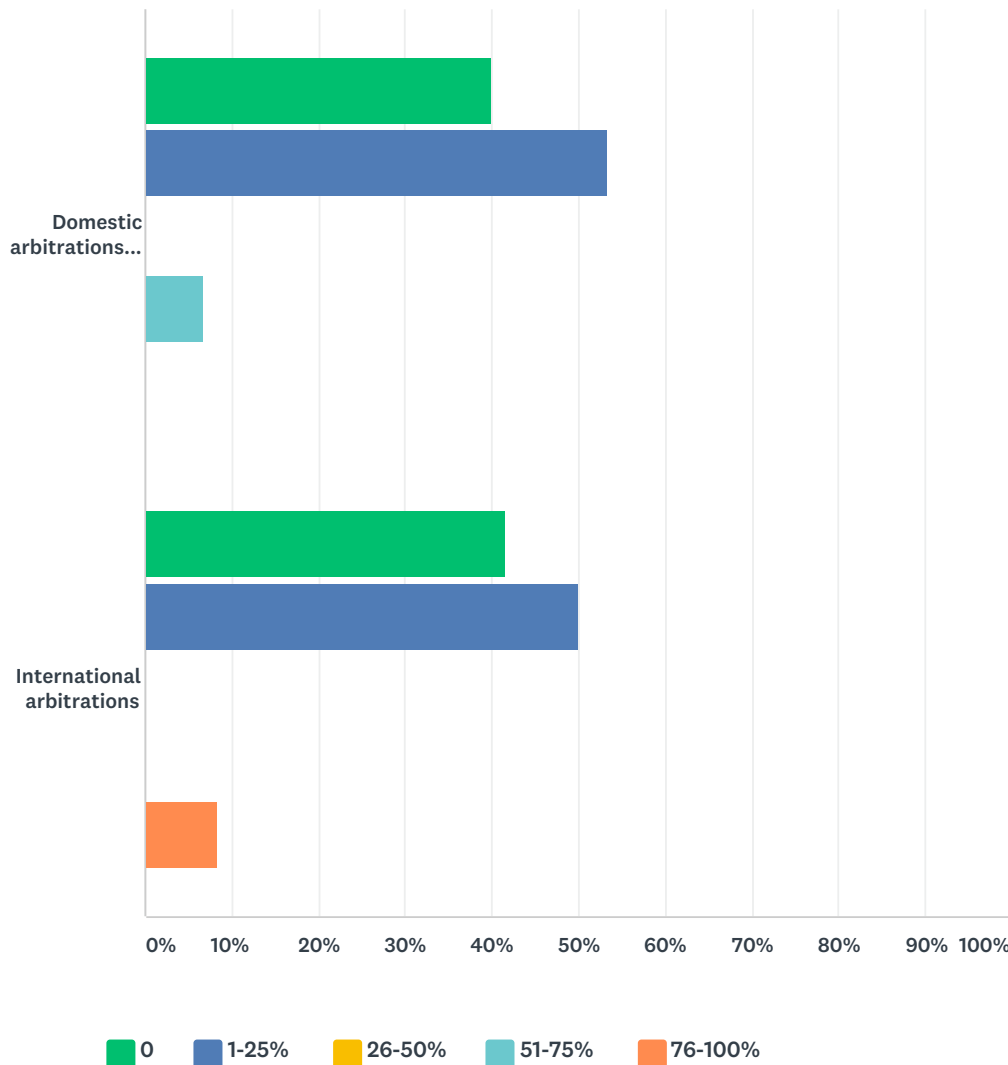
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very negative	0.00%	0
Negative	6.67%	1
Neutral	40.00%	6
Positive	40.00%	6
Very positive	13.33%	2
<b>TOTAL</b>		<b>15</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.**

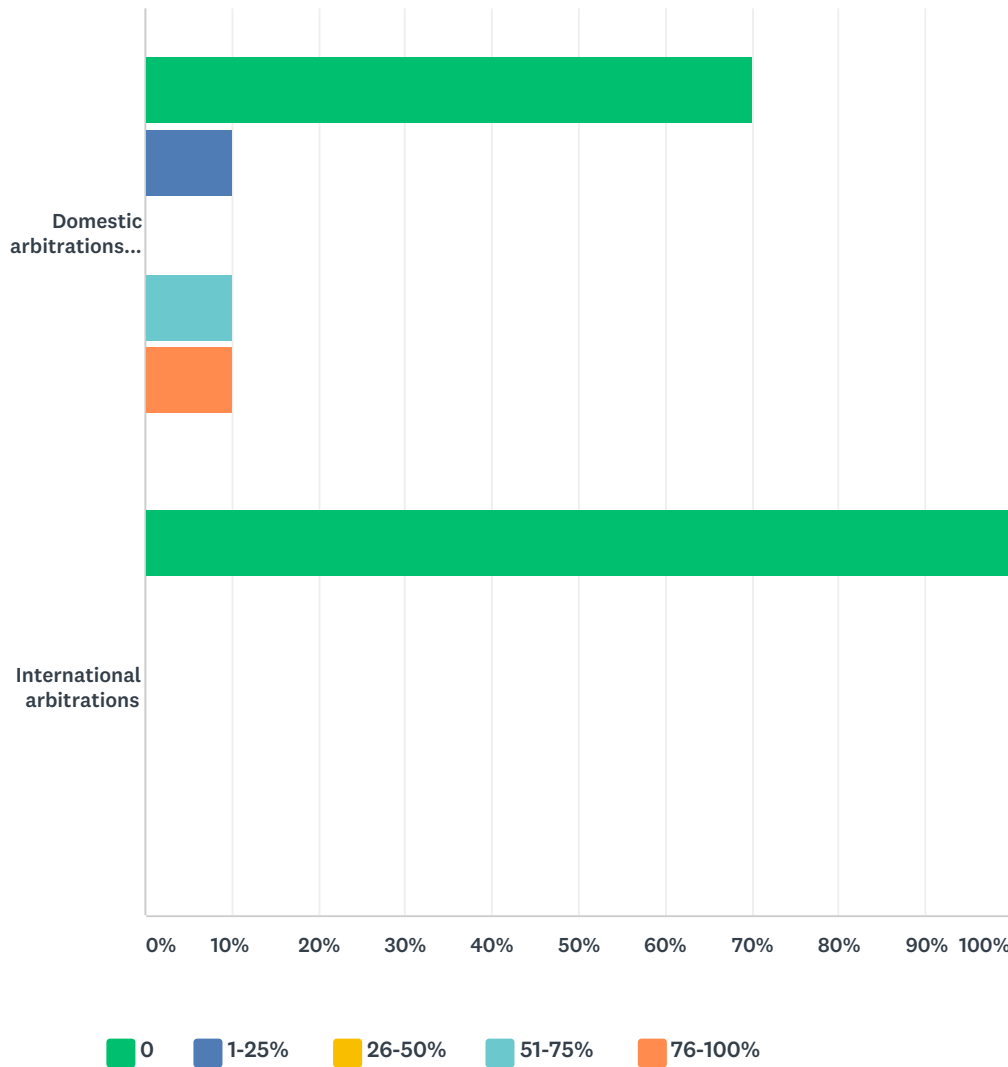
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	40.00% 6	53.33% 8	0.00% 0	6.67% 1	0.00% 0	15
International arbitrations	41.67% 5	50.00% 6	0.00% 0	0.00% 0	8.33% 1	12

**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.**

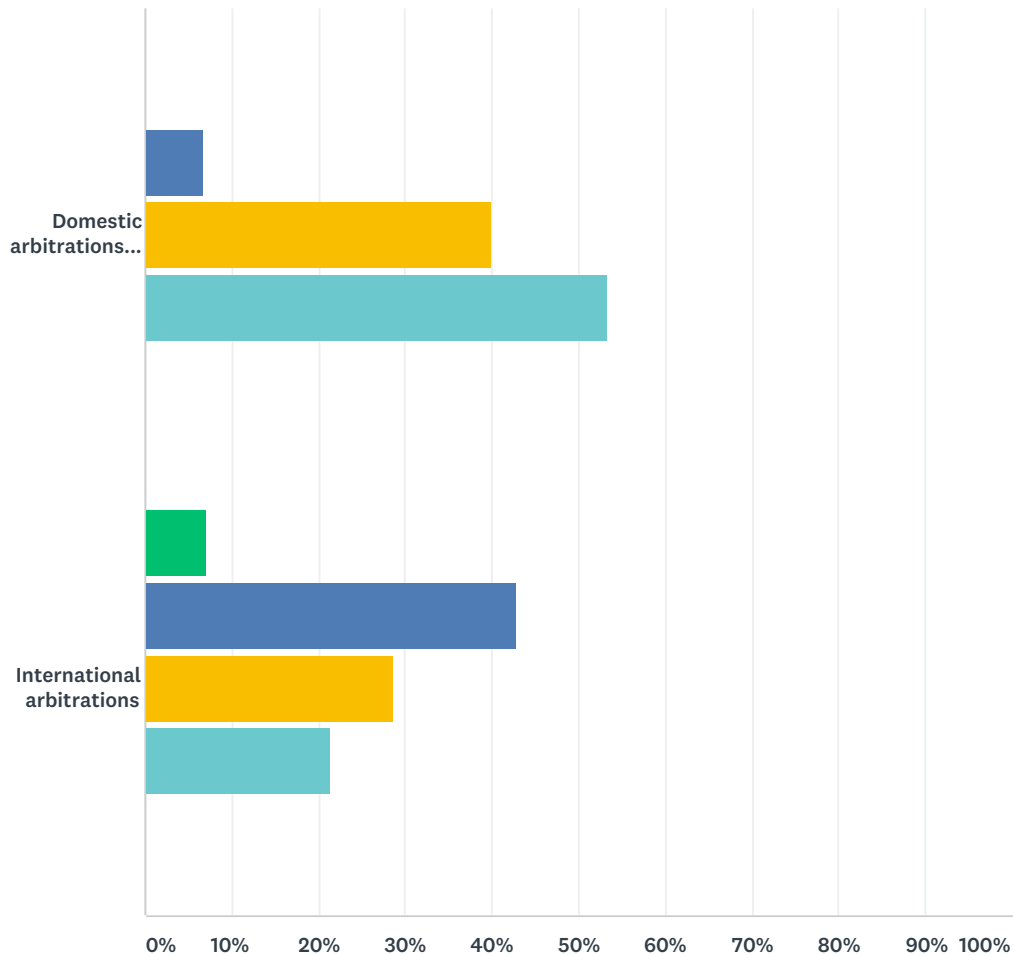
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	70.00% 7	10.00% 1	0.00% 0	10.00% 1	10.00% 1	10
International arbitrations	100.00% 7	0.00% 0	0.00% 0	0.00% 0	0.00% 0	7

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: 15 Skipped: 0

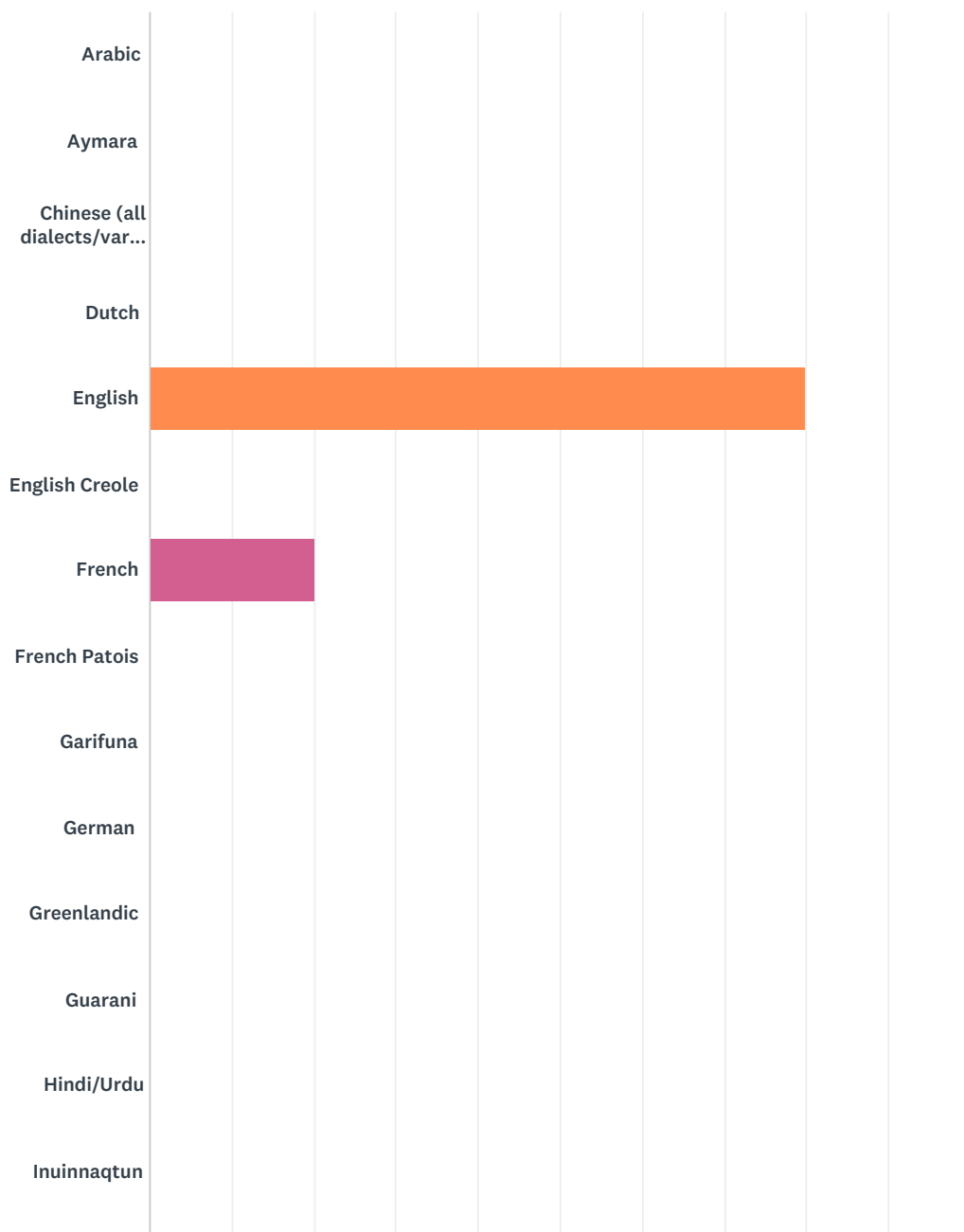


■ No or almost no shared procedures 
 ■ Few shared procedures 
 ■ Some shared procedures 
 ■ Many shared procedures 
 ■ Effectively the same procedures

	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	6.67% 1	40.00% 6	53.33% 8	0.00% 0	15
International arbitrations	7.14% 1	42.86% 6	28.57% 4	21.43% 3	0.00% 0	14

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: 15 Skipped: 0

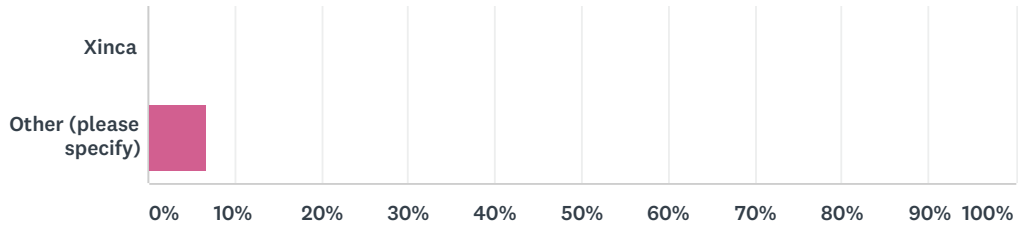




# Survey on the Law and Practice of Arbitration in the Americas



## 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	80.00%	12
English Creole	0.00%	0
French	20.00%	3
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	6.67%	1
Portuñol	0.00%	0
Quechua	0.00%	0
Q'eqchi'	0.00%	0

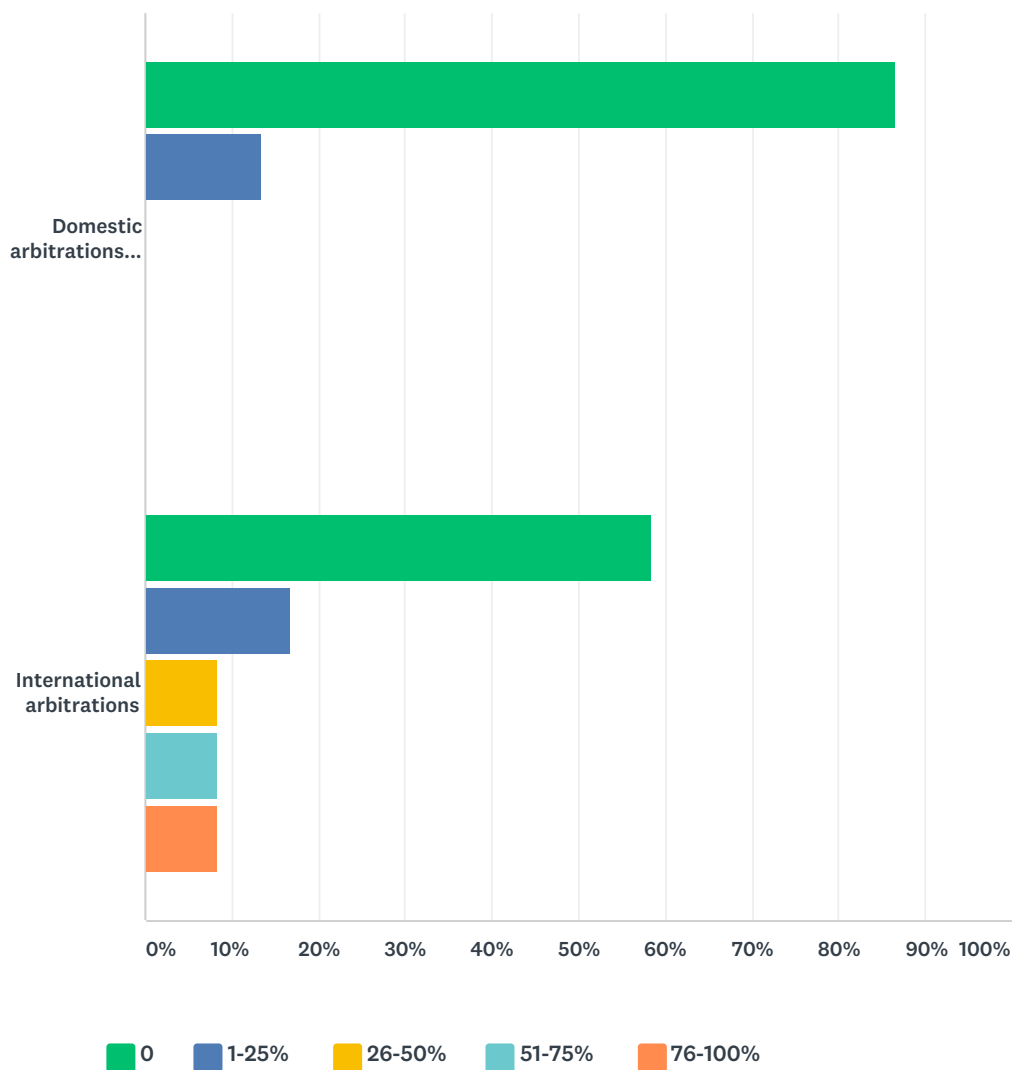
## Survey on the Law and Practice of Arbitration in the Americas

Quiche	0.00%	0
Russian	0.00%	0
Saramaccan	0.00%	0
Spanish	93.33%	14
Sranan Tongo	0.00%	0
Urdu	0.00%	0
Xinca	0.00%	0
Other (please specify)	6.67%	1
Total Respondents: 15		

#	OTHER (PLEASE SPECIFY)	DATE
1	"Portuñol" is not a language	6/23/2016 5:41 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: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	86.67%	13.33%	0.00%	0.00%	0.00%	15
	13	2	0	0	0	

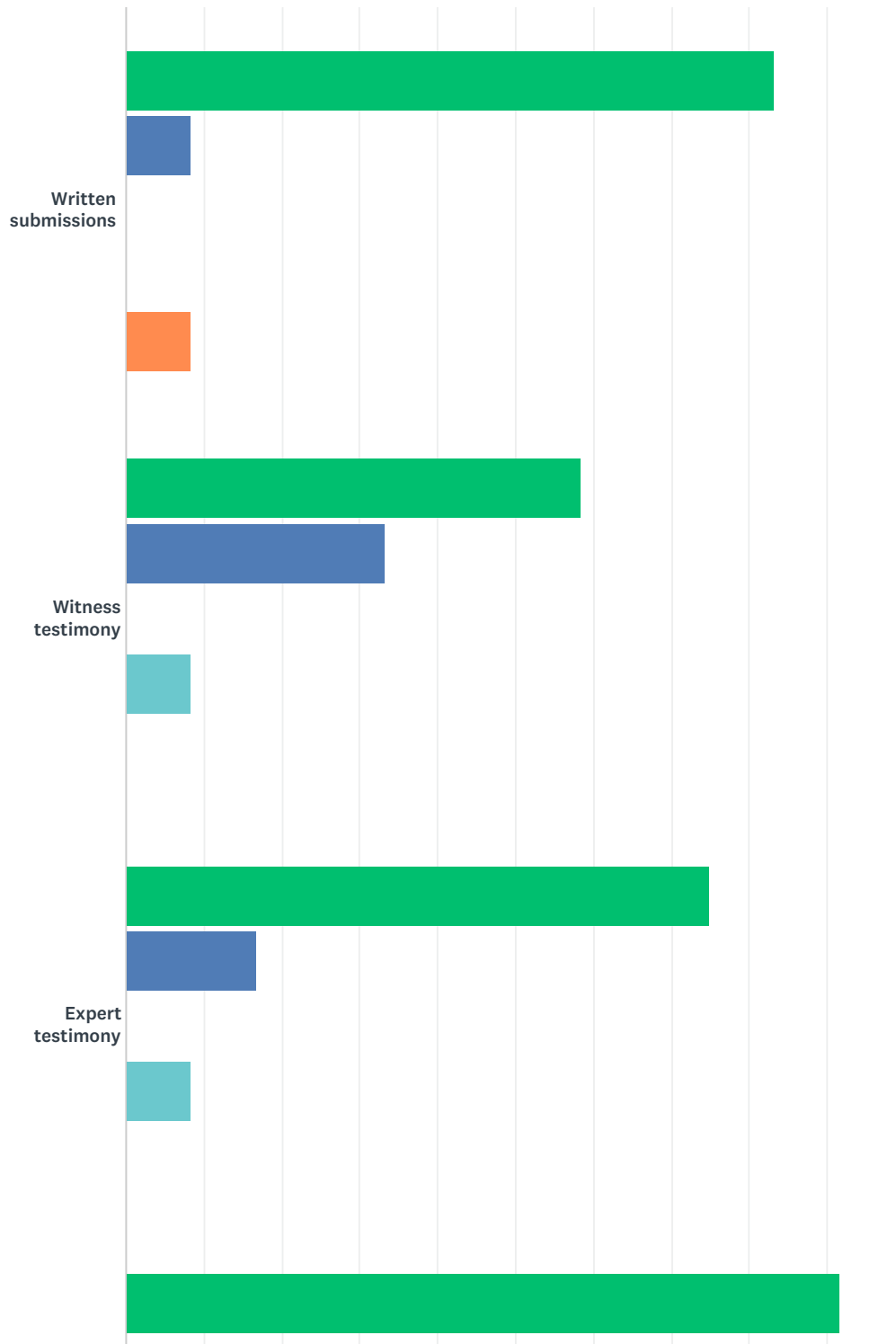
## Survey on the Law and Practice of Arbitration in the Americas

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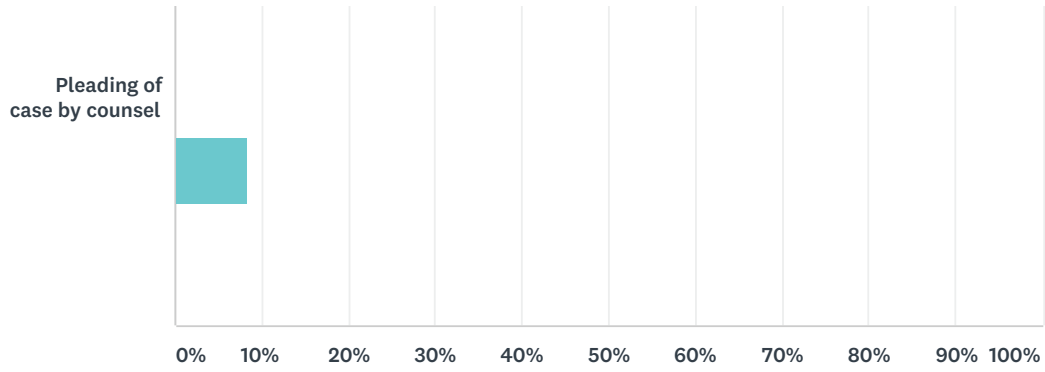
International arbitrations	58.33%	16.67%	8.33%	8.33%	8.33%	
	7	2	1	1	1	12

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: 15 Skipped: 0



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

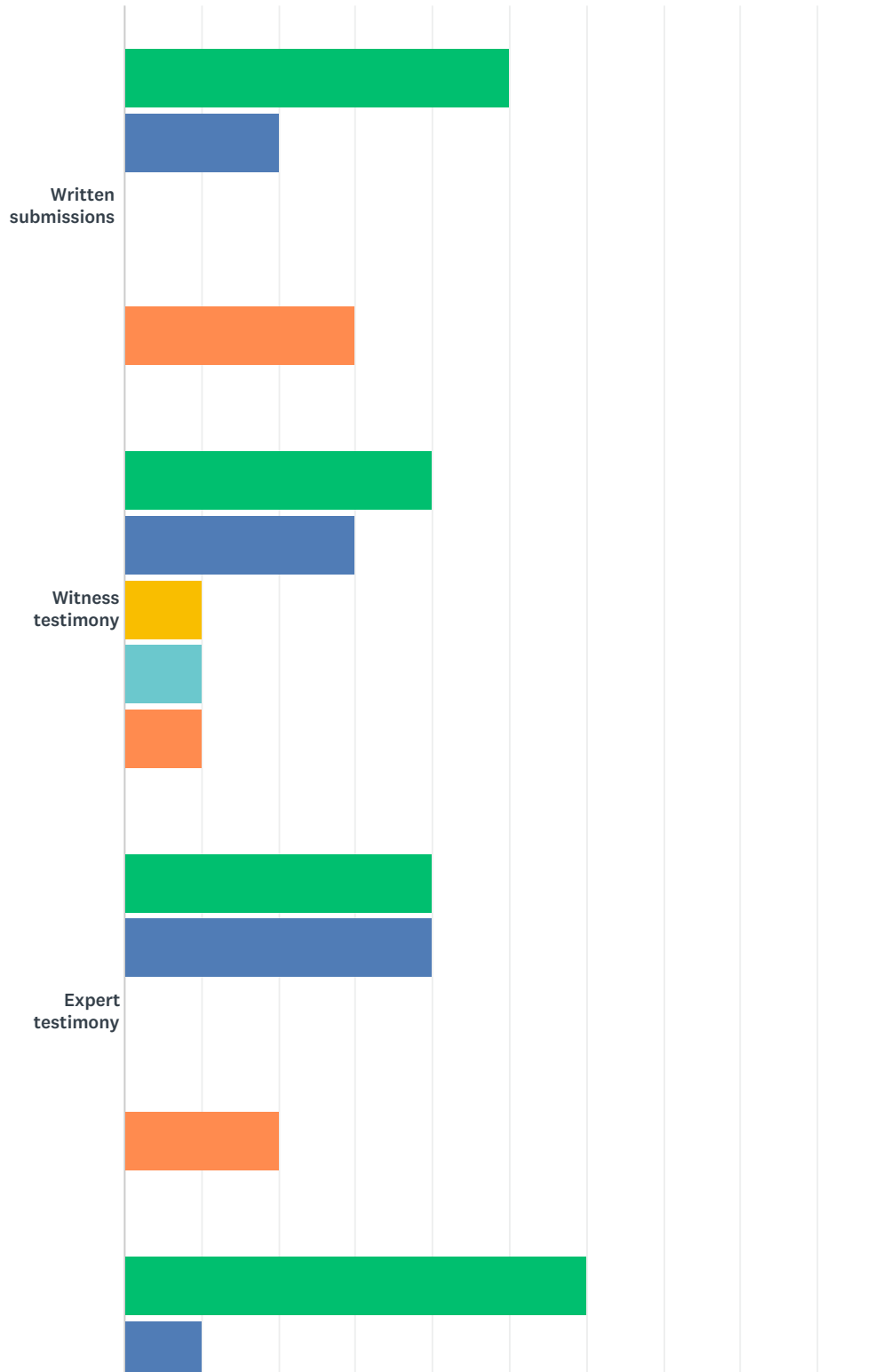


■ 0   
 ■ 1-25%   
 ■ 26-50%   
 ■ 51-75%   
 ■ 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Written submissions	83.33% 10	8.33% 1	0.00% 0	0.00% 0	8.33% 1	12
Witness testimony	58.33% 7	33.33% 4	0.00% 0	8.33% 1	0.00% 0	12
Expert testimony	75.00% 9	16.67% 2	0.00% 0	8.33% 1	0.00% 0	12
Pleading of case by counsel	91.67% 11	0.00% 0	0.00% 0	8.33% 1	0.00% 0	12

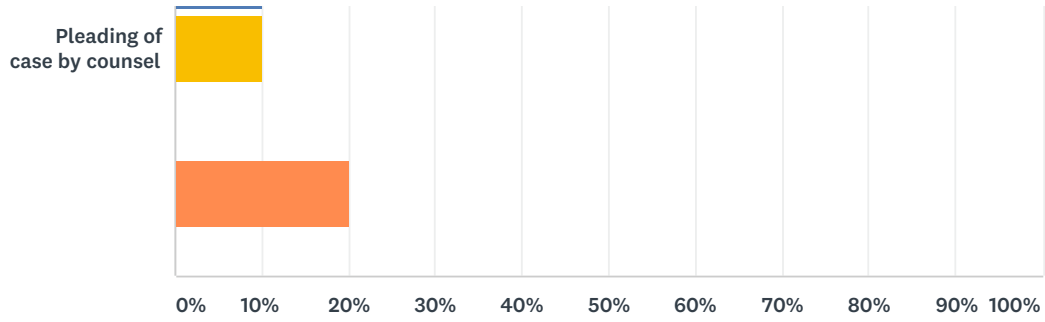
Q55 Of the international arbitrations on which you have worked in the past 5 years, in what percentage of cases were the following procedural elements bilingual/multilingual? Note: Select n/a if you have not worked on a bilingual/multilingual international arbitration in this period..

Answered: 15 Skipped: 0





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

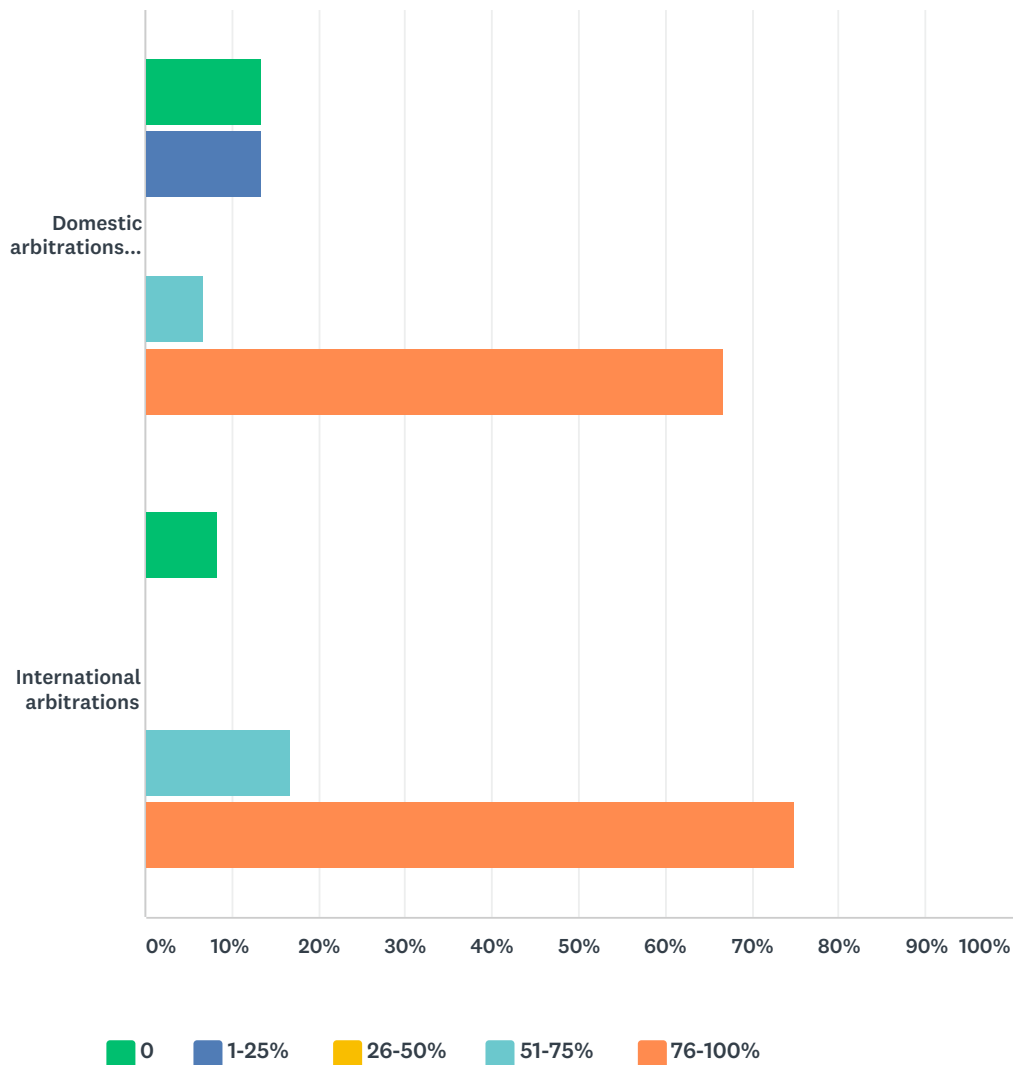


■ 0   
 ■ 1-25%   
 ■ 26-50%   
 ■ 51-75%   
 ■ 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Written submissions	50.00% 5	20.00% 2	0.00% 0	0.00% 0	30.00% 3	10
Witness testimony	40.00% 4	30.00% 3	10.00% 1	10.00% 1	10.00% 1	10
Expert testimony	40.00% 4	40.00% 4	0.00% 0	0.00% 0	20.00% 2	10
Pleading of case by counsel	60.00% 6	10.00% 1	10.00% 1	0.00% 0	20.00% 2	10

**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.

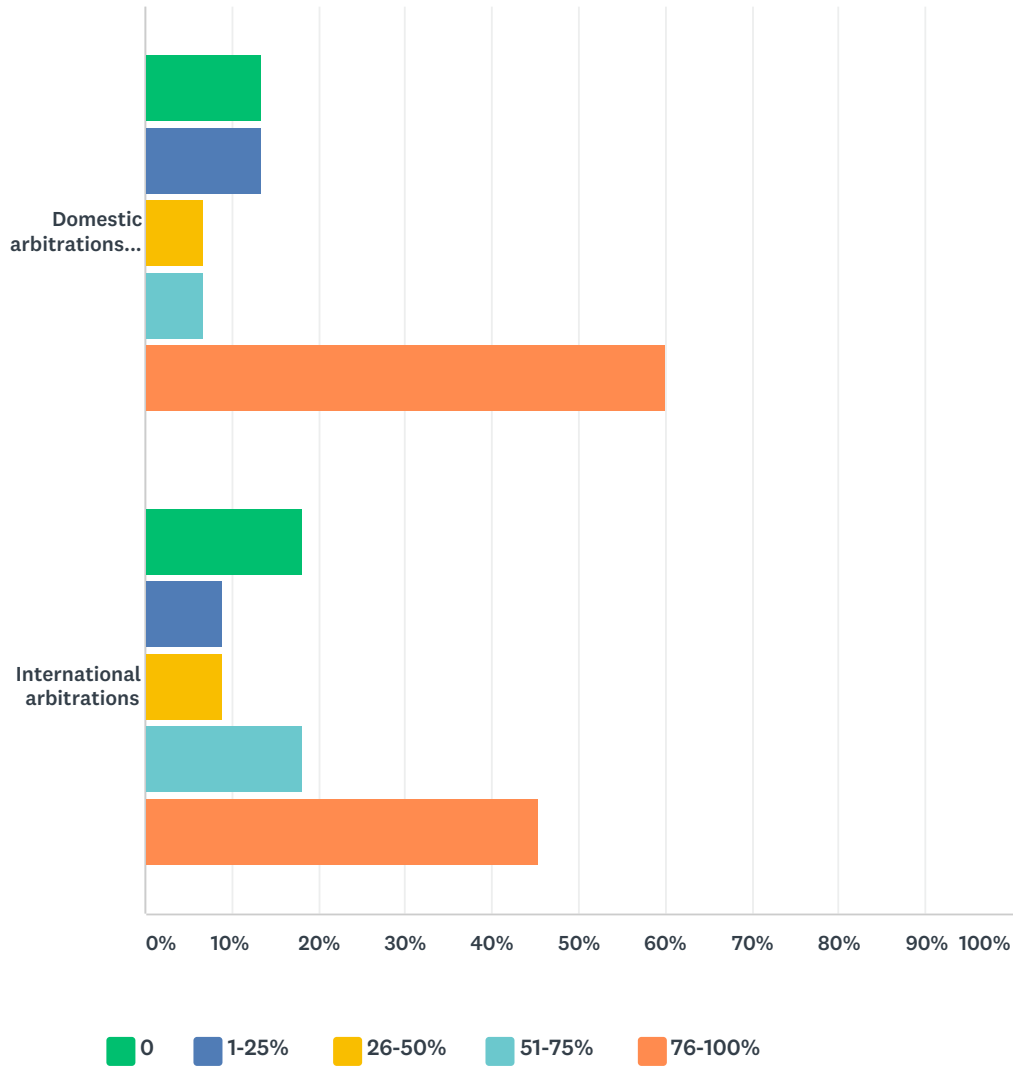
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	13.33% 2	13.33% 2	0.00% 0	6.67% 1	66.67% 10	15
International arbitrations	8.33% 1	0.00% 0	0.00% 0	16.67% 2	75.00% 9	12

**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.

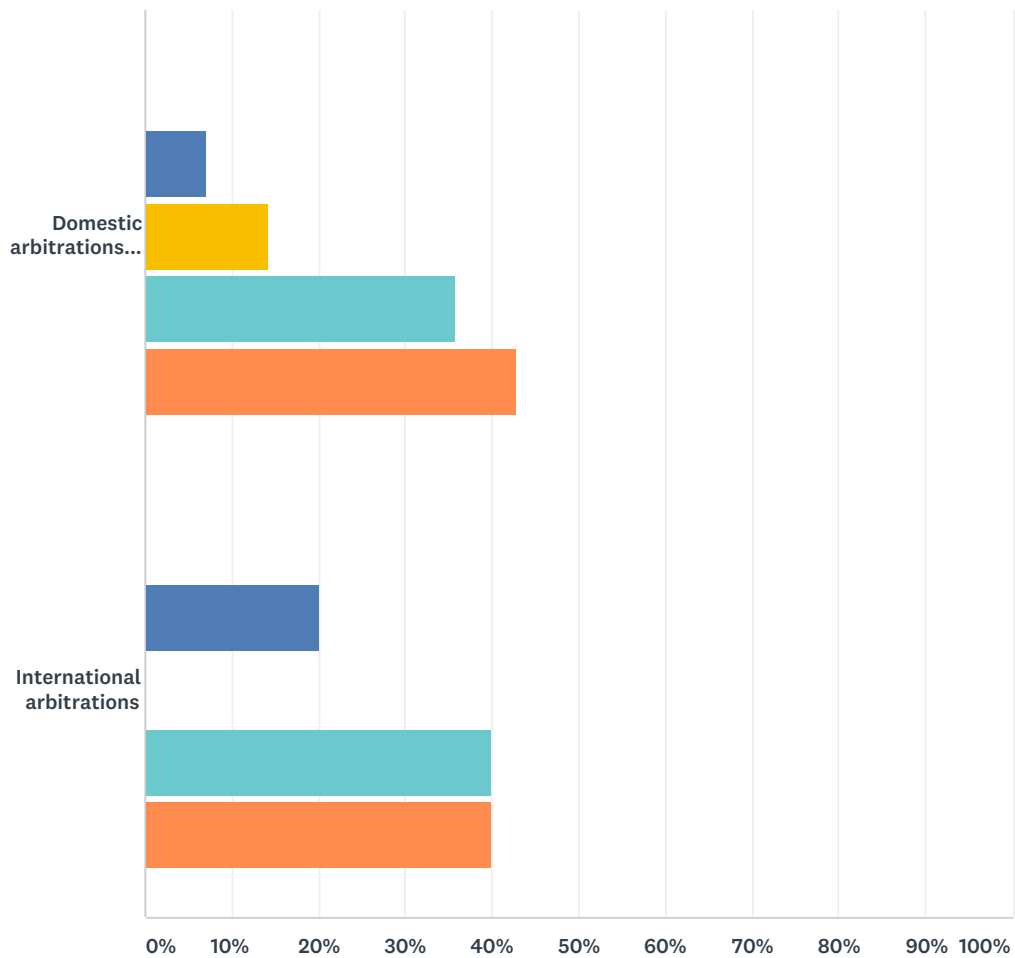
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	13.33% 2	13.33% 2	6.67% 1	6.67% 1	60.00% 9	15
International arbitrations	18.18% 2	9.09% 1	9.09% 1	18.18% 2	45.45% 5	11

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: 15 Skipped: 0



- 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

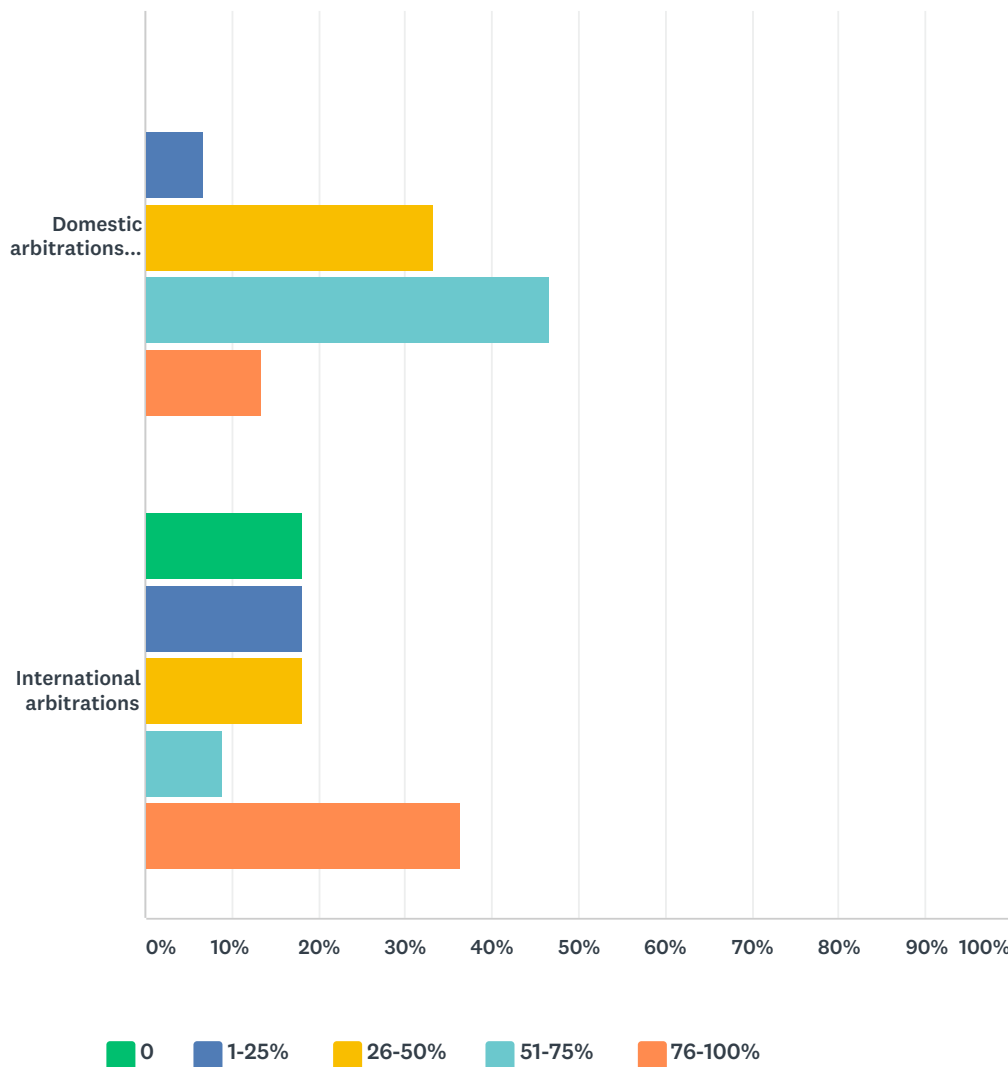
Survey on the Law and Practice of Arbitration in the Americas

	<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	0.00% 0	7.14% 1	14.29% 2	35.71% 5	42.86% 6	14
International arbitrations	0.00% 0	20.00% 2	0.00% 0	40.00% 4	40.00% 4	10

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: 15 Skipped: 0

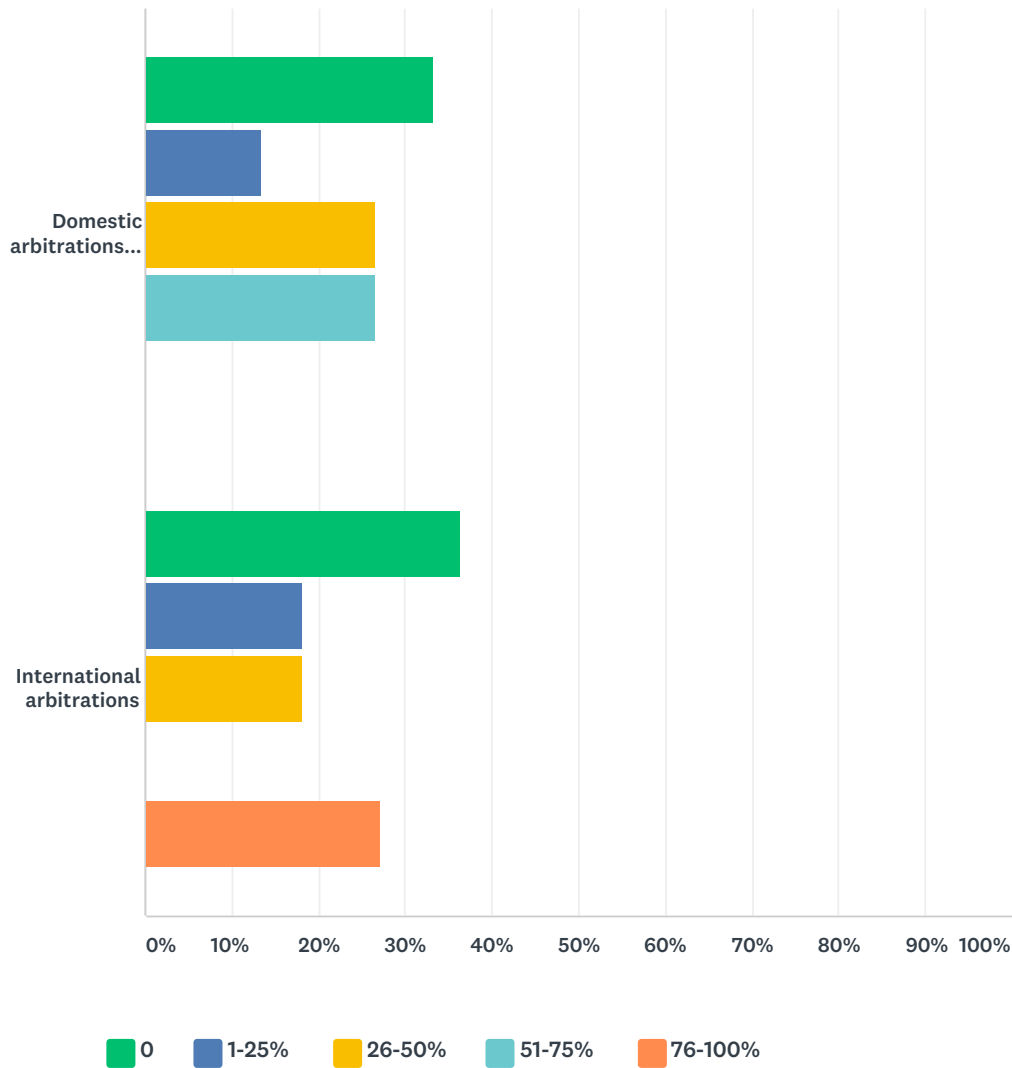


	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	0.00% 0	6.67% 1	33.33% 5	46.67% 7	13.33% 2	15
International arbitrations	18.18% 2	18.18% 2	18.18% 2	9.09% 1	36.36% 4	11

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.

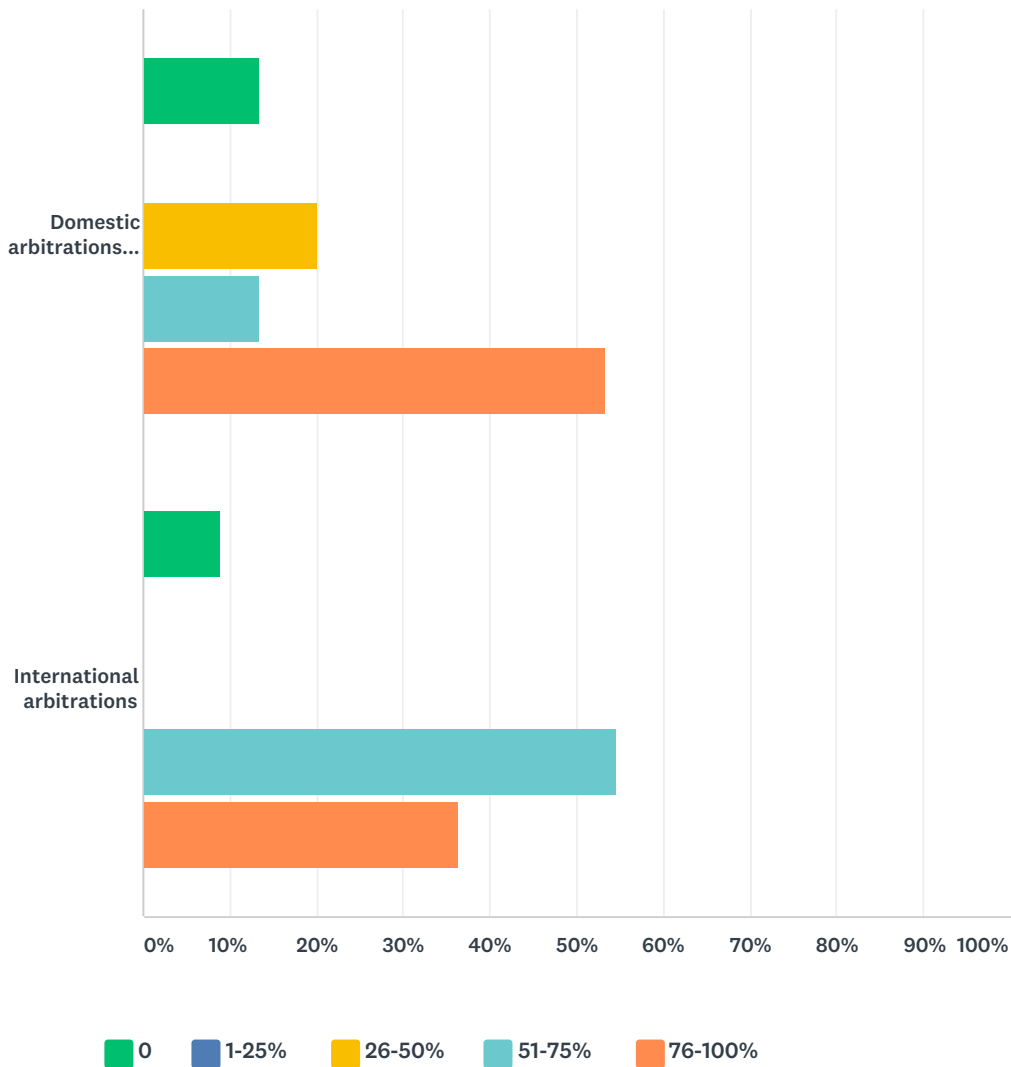
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	33.33% 5	13.33% 2	26.67% 4	26.67% 4	0.00% 0	15
International arbitrations	36.36% 4	18.18% 2	18.18% 2	0.00% 0	27.27% 3	11

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: 15 Skipped: 0



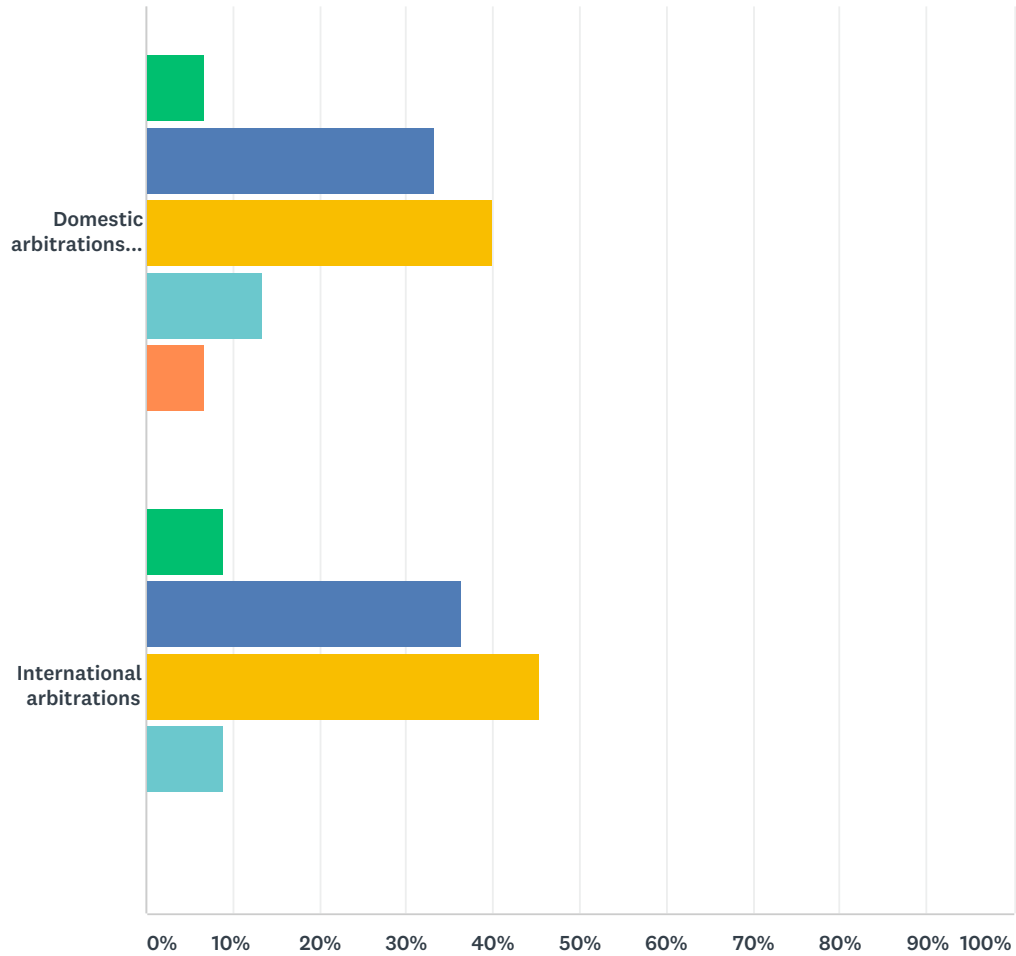
	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	13.33% 2	0.00% 0	20.00% 3	13.33% 2	53.33% 8	15
International arbitrations	9.09% 1	0.00% 0	0.00% 0	54.55% 6	36.36% 4	11



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: 15 Skipped: 0

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

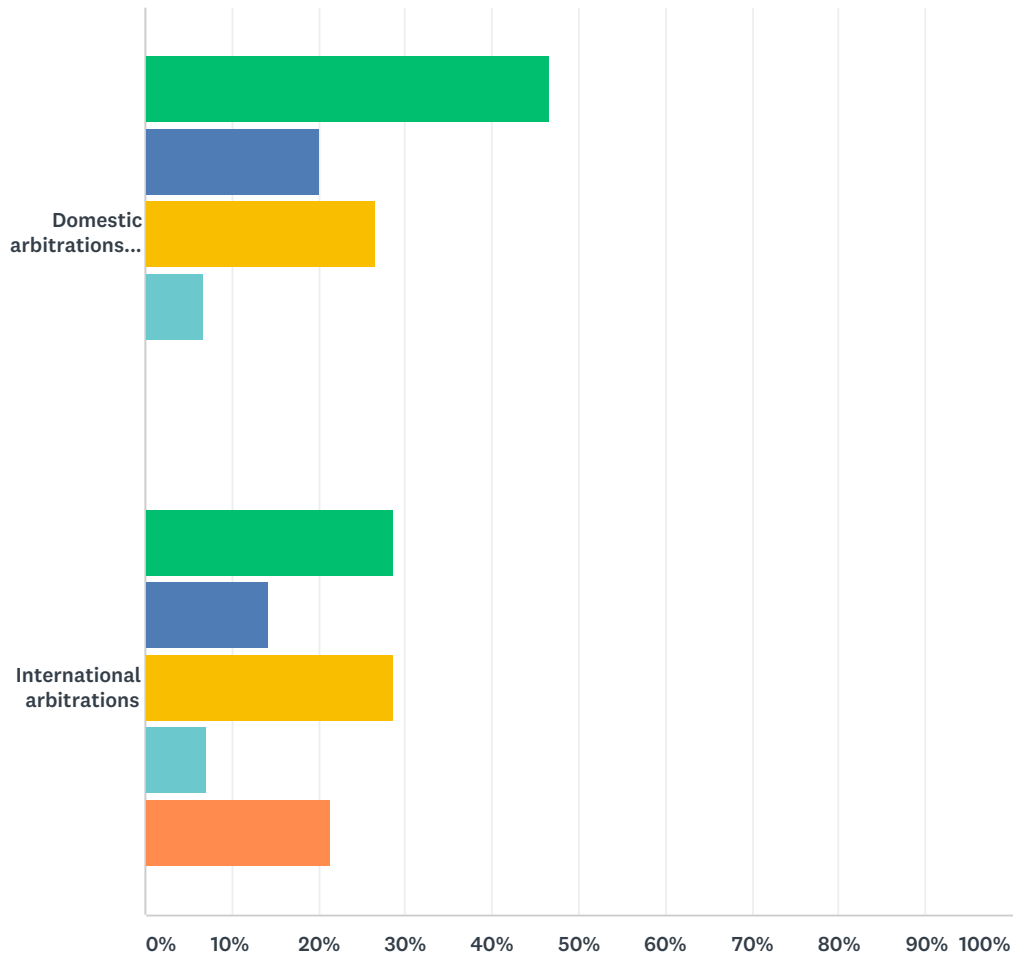


■ Highly inquisitorial   
 ■ Moderately inquisitorial   
 ■ Neutral  
■ Moderately adversarial   
 ■ Highly adversarial

	HIGHLY INQUISITORIAL	MODERATELY INQUISITORIAL	NEUTRAL	MODERATELY ADVERSARIAL	HIGHLY ADVERSARIAL	TOTAL
Domestic arbitrations seated in your Country	6.67% 1	33.33% 5	40.00% 6	13.33% 2	6.67% 1	15
International arbitrations	9.09% 1	36.36% 4	45.45% 5	9.09% 1	0.00% 0	11

### 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: 15 Skipped: 0

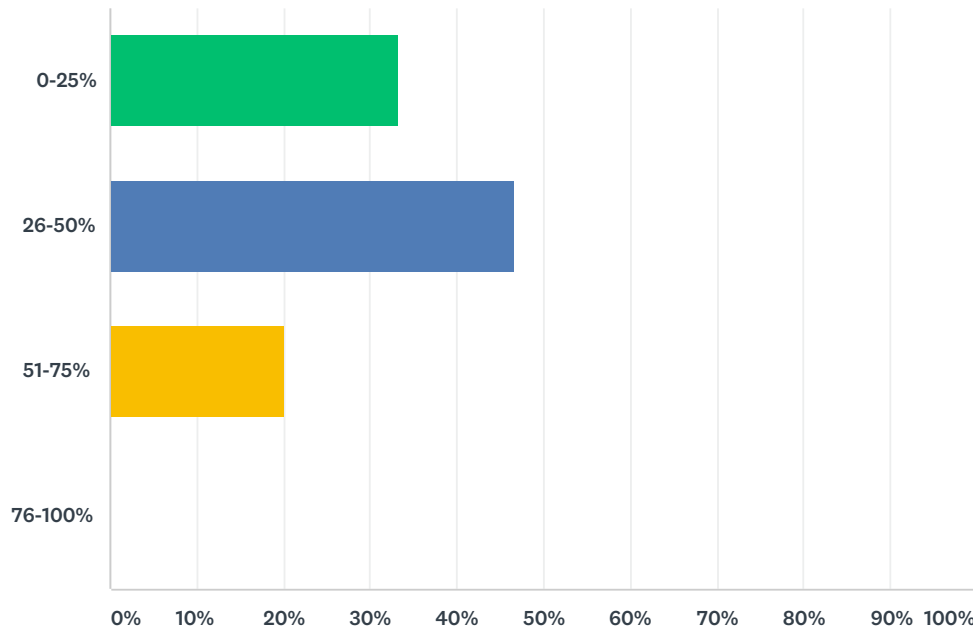


■ not a notable cause   
 ■ a minor cause   
 ■ an average cause  
■ a significant cause   
 ■ a serious cause

	NOT A NOTABLE CAUSE	A MINOR CAUSE	AN AVERAGE CAUSE	A SIGNIFICANT CAUSE	A SERIOUS CAUSE	TOTAL
Domestic arbitrations seated in your Country	46.67% 7	20.00% 3	26.67% 4	6.67% 1	0.00% 0	15
International arbitrations	28.57% 4	14.29% 2	28.57% 4	7.14% 1	21.43% 3	14

**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)?

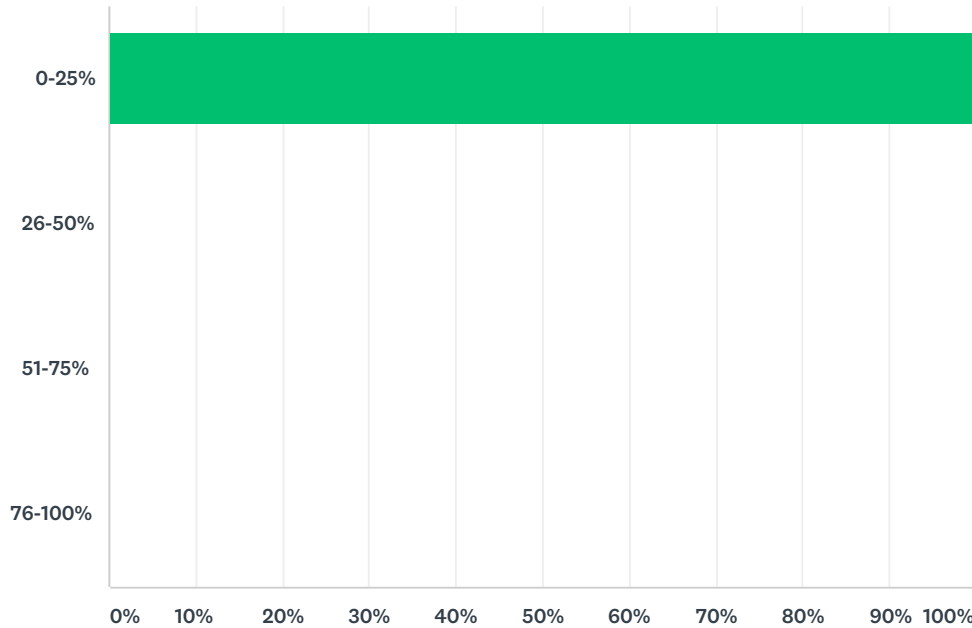
Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES
0-25%	33.33% 5
26-50%	46.67% 7
51-75%	20.00% 3
76-100%	0.00% 0
<b>TOTAL</b>	<b>15</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).

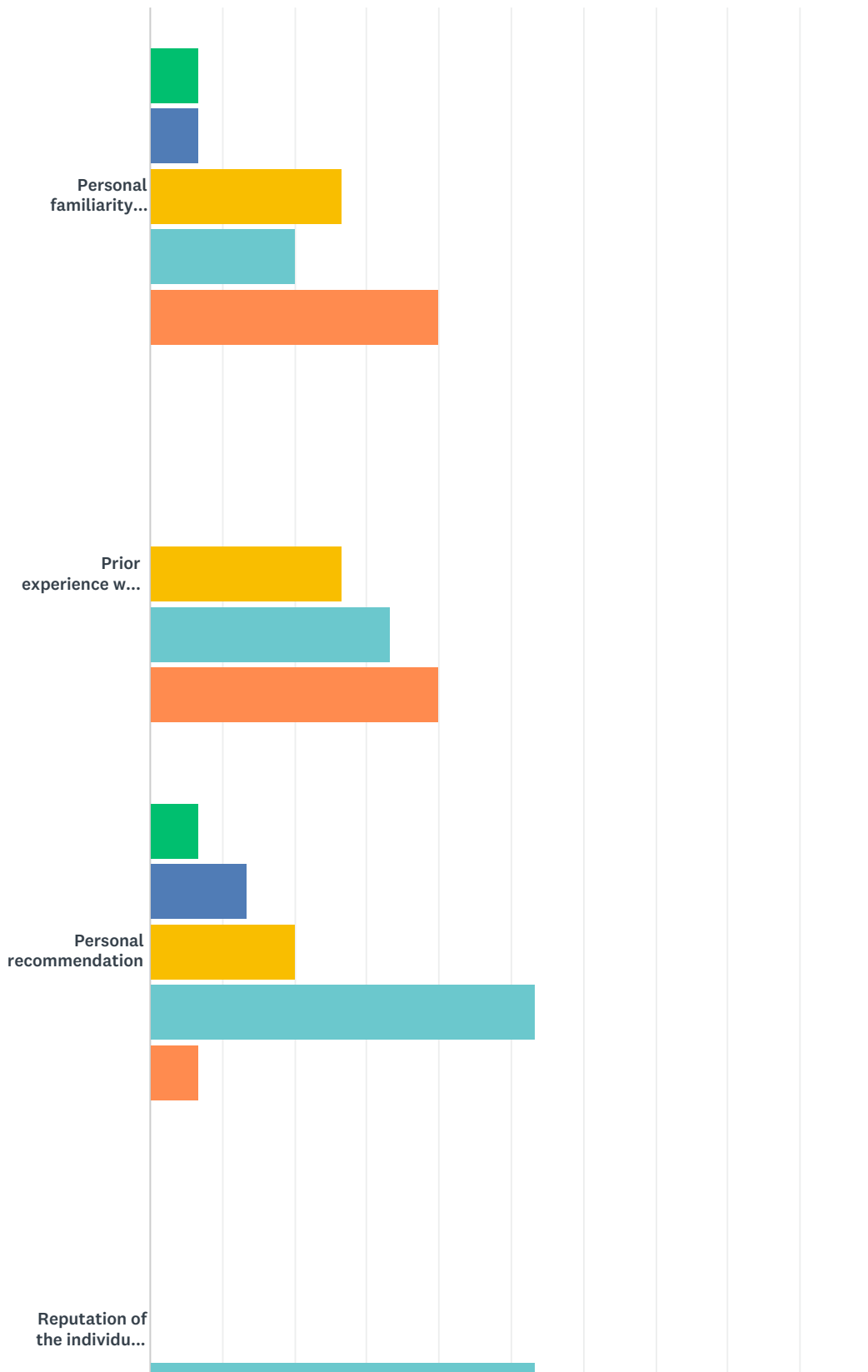
Answered: 15 Skipped: 0



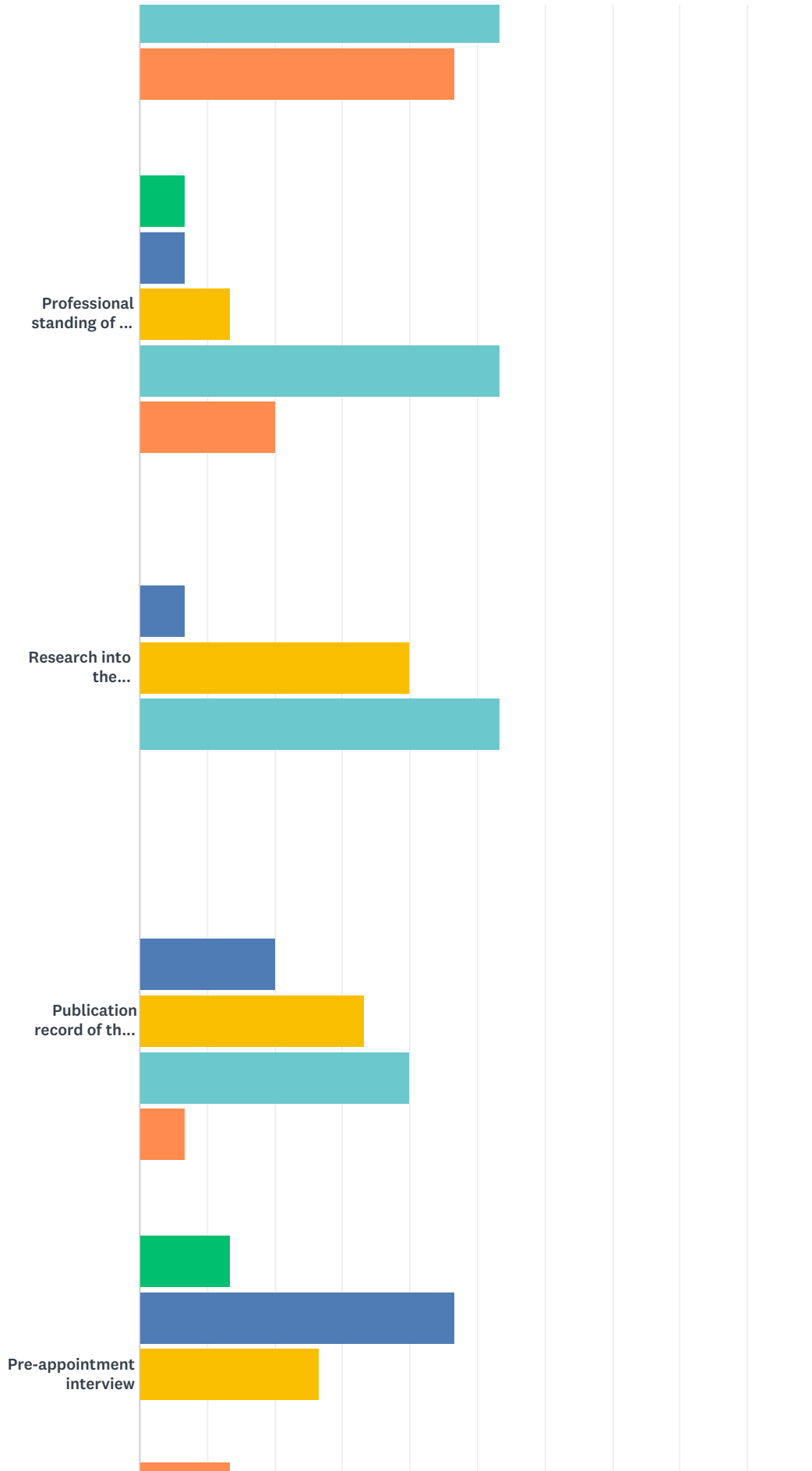
ANSWER CHOICES	RESPONSES	
0-25%	100.00%	15
26-50%	0.00%	0
51-75%	0.00%	0
76-100%	0.00%	0
<b>TOTAL</b>		<b>15</b>

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

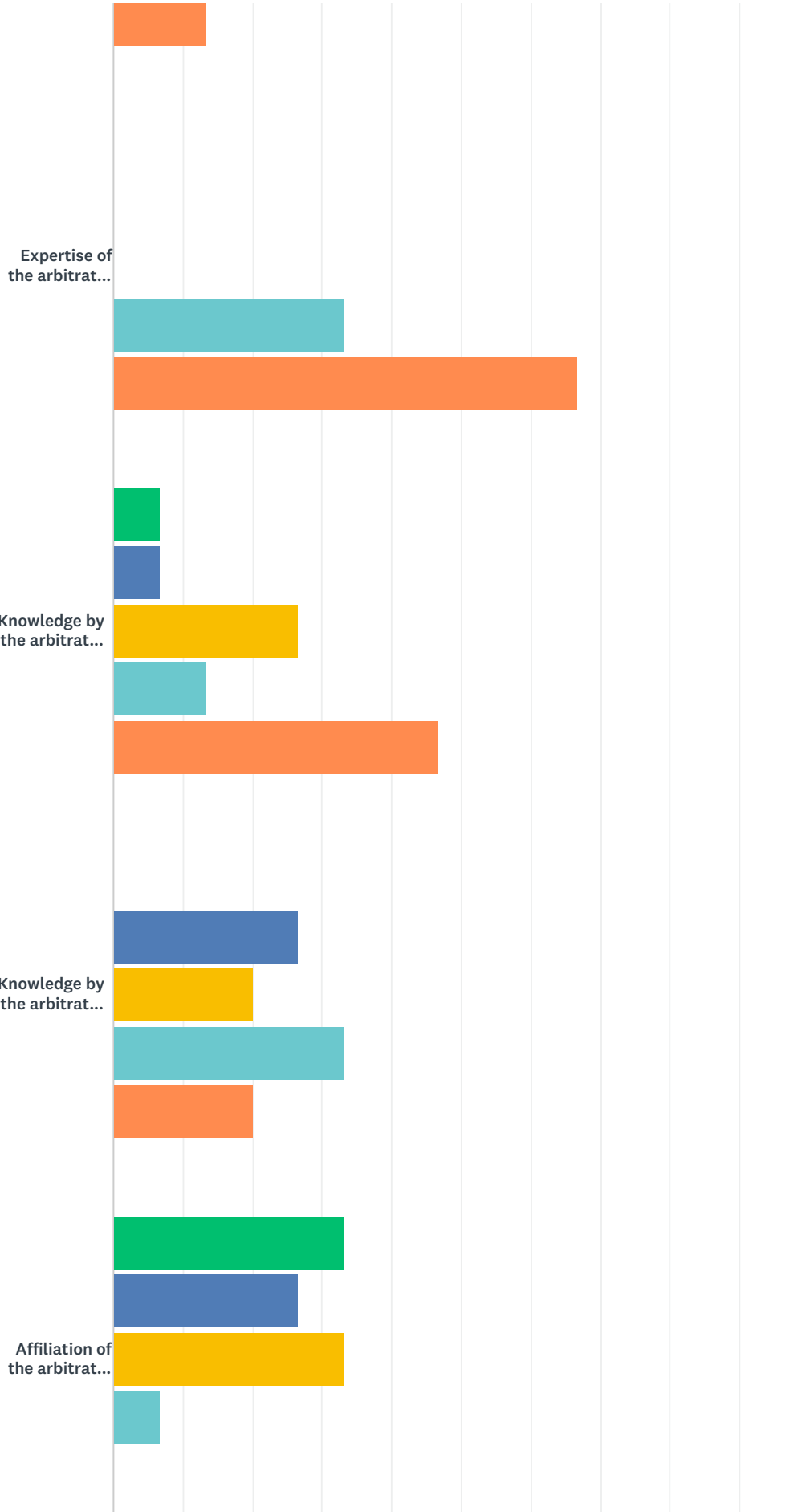
Answered: 15 Skipped: 0



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

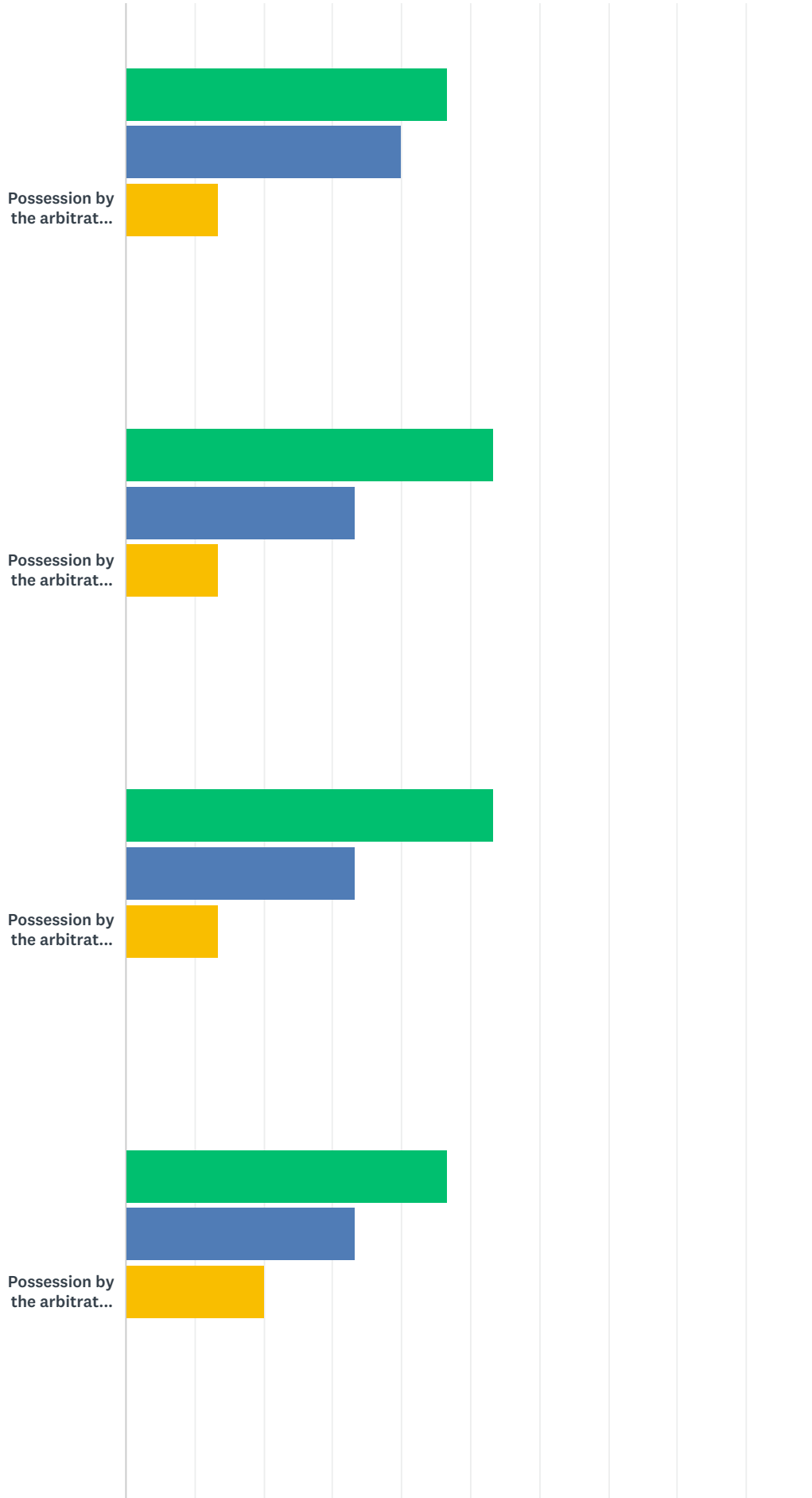


# Survey on the Law and Practice of Arbitration in the Americas

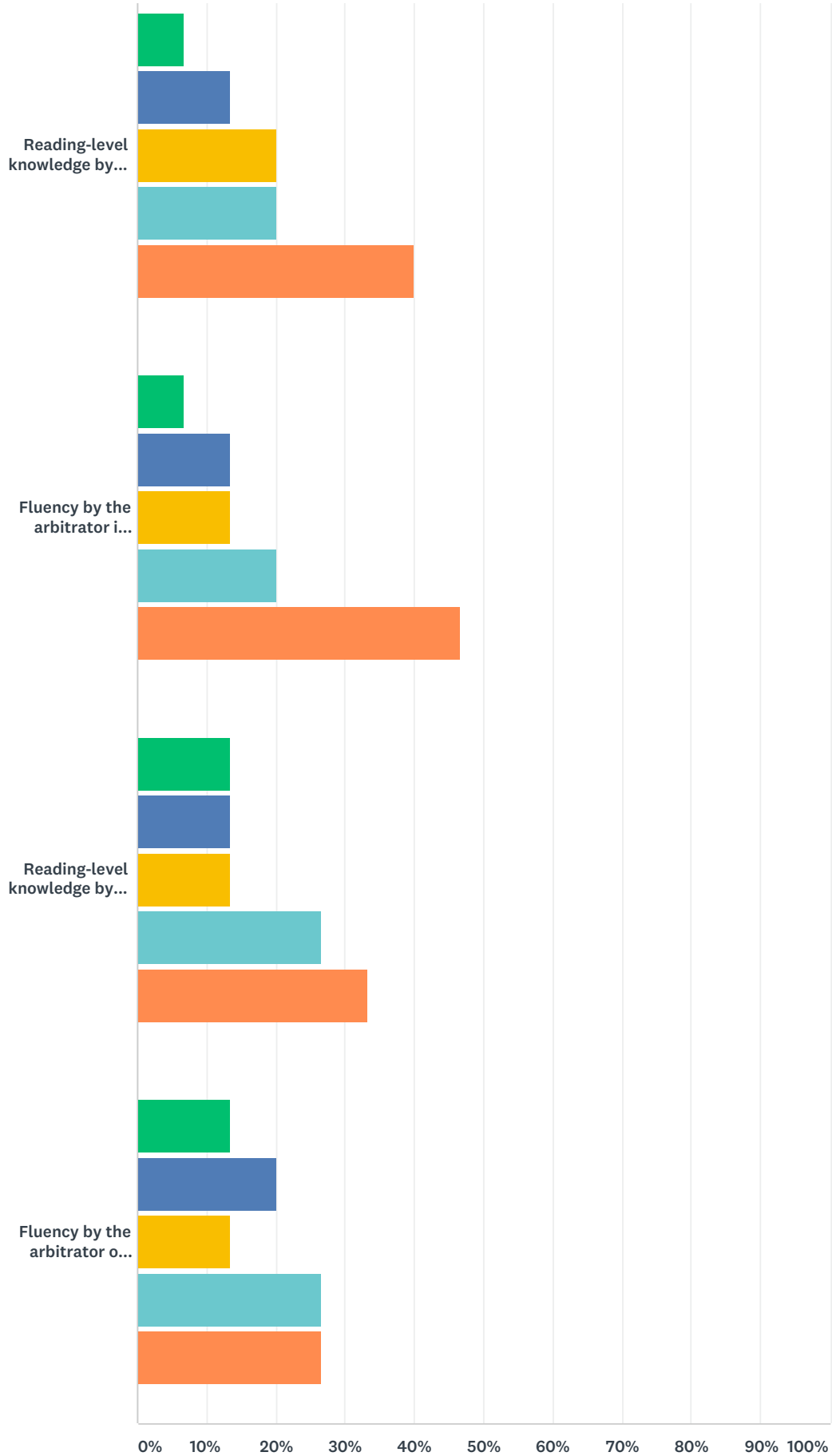




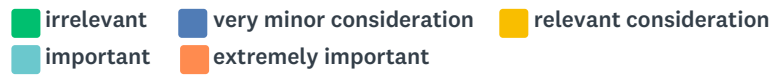
# Survey on the Law and Practice of Arbitration in the Americas



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



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



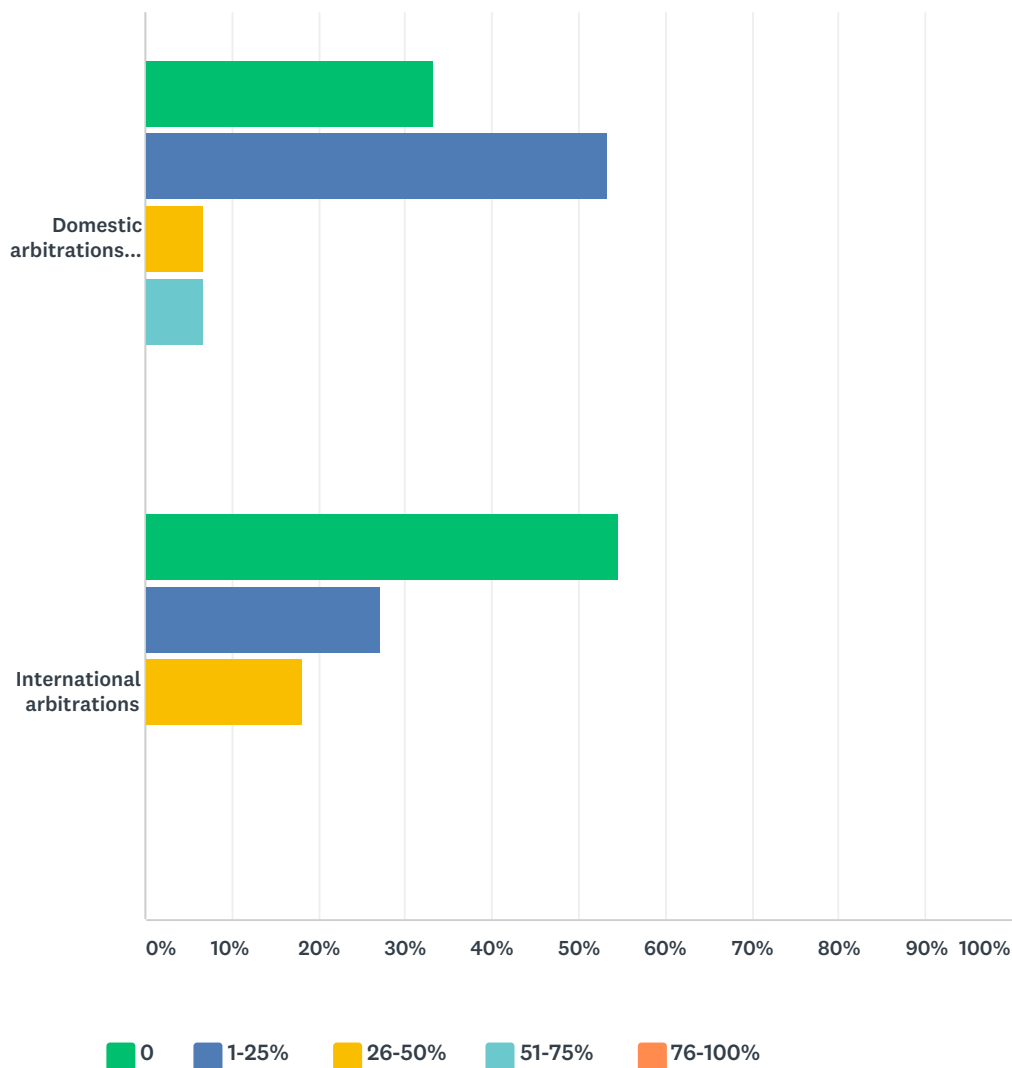
	IRRELEVANT	VERY MINOR CONSIDERATION	RELEVANT CONSIDERATION	IMPORTANT	EXTREMELY IMPORTANT	TOTAL
Personal familiarity with the arbitrator	6.67% 1	6.67% 1	26.67% 4	20.00% 3	40.00% 6	15
Prior experience with the individual as an arbitrator	0.00% 0	0.00% 0	26.67% 4	33.33% 5	40.00% 6	15
Personal recommendation	6.67% 1	13.33% 2	20.00% 3	53.33% 8	6.67% 1	15
Reputation of the individual as an arbitrator	0.00% 0	0.00% 0	0.00% 0	53.33% 8	46.67% 7	15
Professional standing of the arbitrator in the Country in which enforcement of the award is expected	6.67% 1	6.67% 1	13.33% 2	53.33% 8	20.00% 3	15
Research into the arbitrator's publications, public statements and available awards	0.00% 0	6.67% 1	40.00% 6	53.33% 8	0.00% 0	15
Publication record of the arbitrator on topics in arbitration, even if not directly relevant to the dispute	0.00% 0	20.00% 3	33.33% 5	40.00% 6	6.67% 1	15
Pre-appointment interview	13.33% 2	46.67% 7	26.67% 4	0.00% 0	13.33% 2	15
Expertise of the arbitrator in the subject matter of the dispute	0.00% 0	0.00% 0	0.00% 0	33.33% 5	66.67% 10	15
Knowledge by the arbitrator of the law of the seat	6.67% 1	6.67% 1	26.67% 4	13.33% 2	46.67% 7	15
Knowledge by the arbitrator of the law of the Country in which enforcement of the award is expected	0.00% 0	26.67% 4	20.00% 3	33.33% 5	20.00% 3	15
Affiliation of the arbitrator with a law school, whether in terms of a regular appointment or periodic lecturing	33.33% 5	26.67% 4	33.33% 5	6.67% 1	0.00% 0	15
Possession by the arbitrator of the ACI Arb (Associate of the Chartered Institute of Arbitrators) qualification	46.67% 7	40.00% 6	13.33% 2	0.00% 0	0.00% 0	15
Possession by the arbitrator of the MCI Arb (Member of the Chartered Institute of Arbitrators) qualification	53.33% 8	33.33% 5	13.33% 2	0.00% 0	0.00% 0	15
Possession by the arbitrator of the FCI Arb (Fellow of the Chartered Institute of Arbitrators) qualification	53.33% 8	33.33% 5	13.33% 2	0.00% 0	0.00% 0	15
Possession by the arbitrator of the status of Chartered Arbitrator	46.67% 7	33.33% 5	20.00% 3	0.00% 0	0.00% 0	15

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

Reading-level knowledge by the arbitrator of the language of your client	6.67% 1	13.33% 2	20.00% 3	20.00% 3	40.00% 6	15
Fluency by the arbitrator in the language of your client	6.67% 1	13.33% 2	13.33% 2	20.00% 3	46.67% 7	15
Reading-level knowledge by the arbitrator of the language of the party in the arbitration that is not your client	13.33% 2	13.33% 2	13.33% 2	26.67% 4	33.33% 5	15
Fluency by the arbitrator of the language in the party in the arbitration that is not your client	13.33% 2	20.00% 3	13.33% 2	26.67% 4	26.67% 4	15

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.

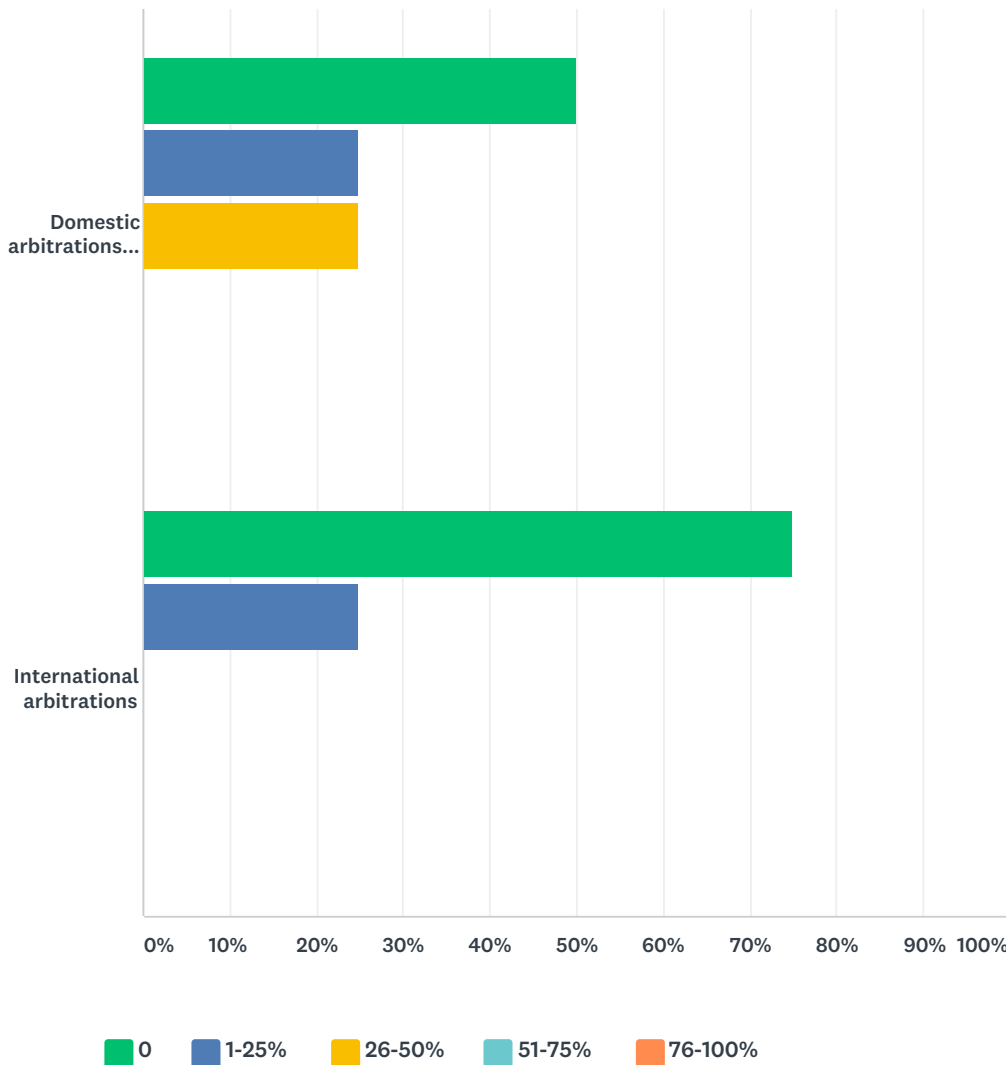
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	33.33%	53.33%	6.67%	6.67%	0.00%	15
	5	8	1	1	0	
International arbitrations	54.55%	27.27%	18.18%	0.00%	0.00%	11
	6	3	2	0	0	

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.

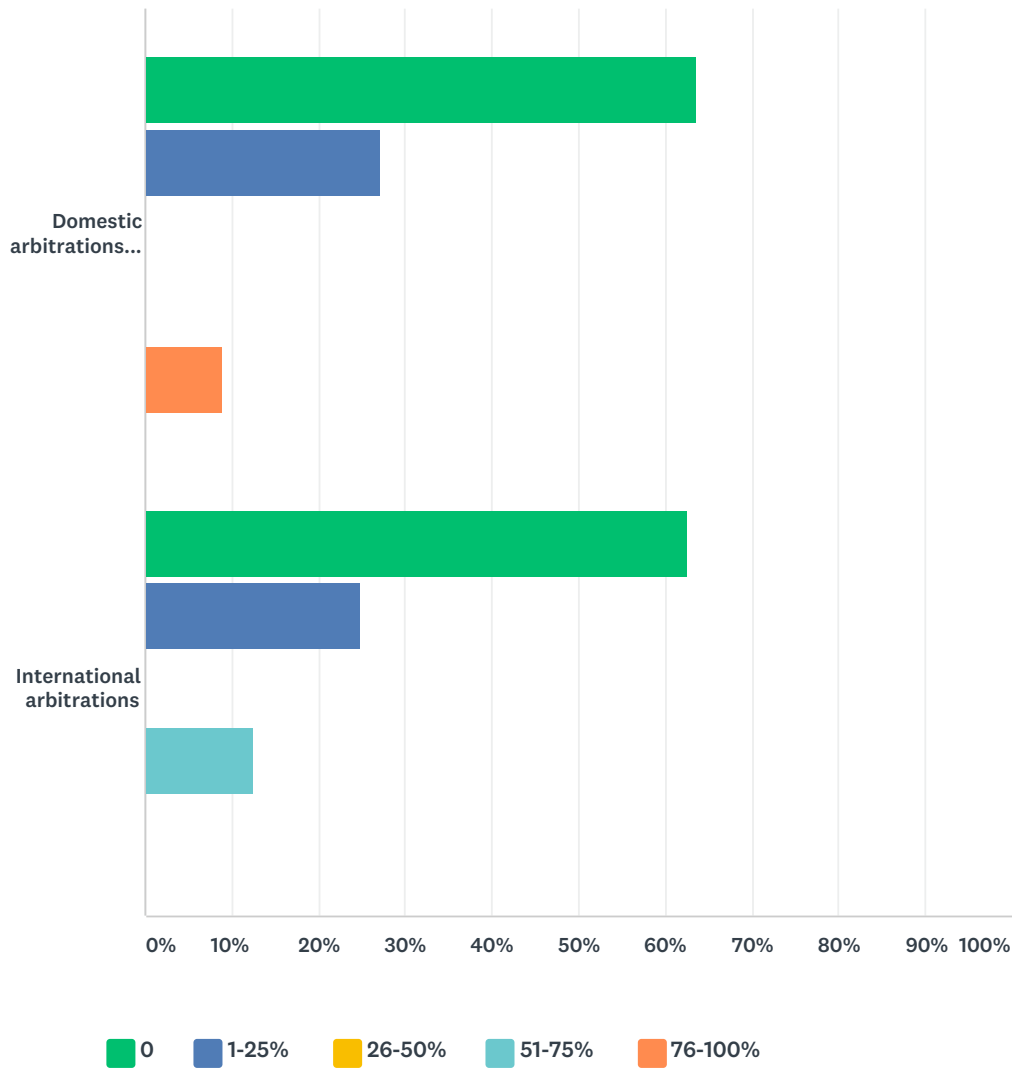
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	50.00%	25.00%	25.00%	0.00%	0.00%	12
International arbitrations	75.00%	25.00%	0.00%	0.00%	0.00%	8

**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.

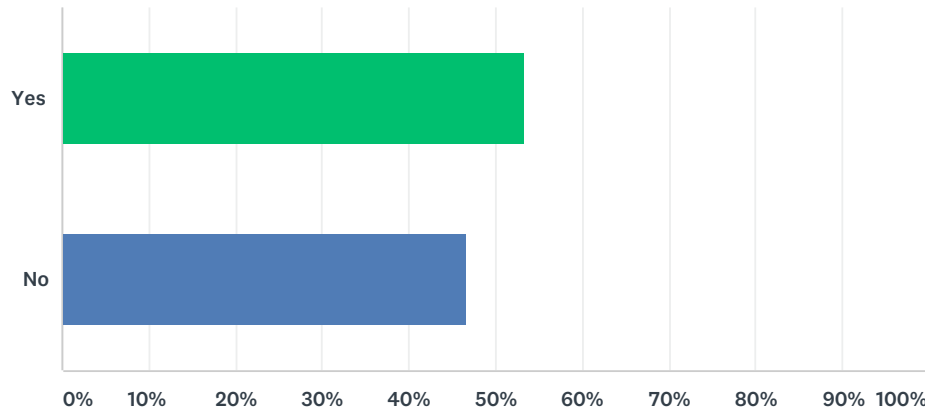
Answered: 15 Skipped: 0



	0	1-25%	26-50%	51-75%	76-100%	TOTAL
Domestic arbitrations seated in your Country	63.64% 7	27.27% 3	0.00% 0	0.00% 0	9.09% 1	11
International arbitrations	62.50% 5	25.00% 2	0.00% 0	12.50% 1	0.00% 0	8

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

Answered: 15 Skipped: 0

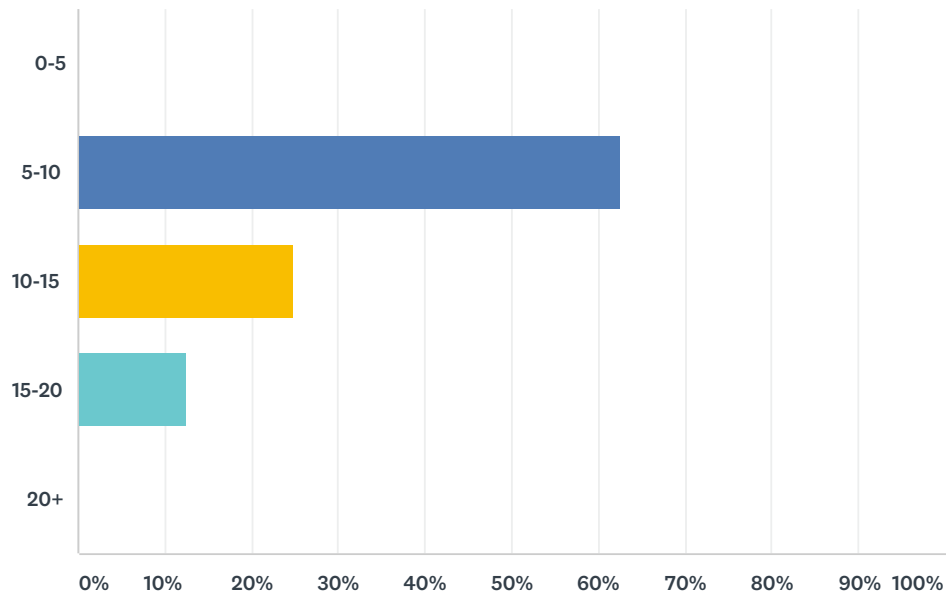


ANSWER CHOICES	RESPONSES	
Yes	53.33%	8
No	46.67%	7
TOTAL		15



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

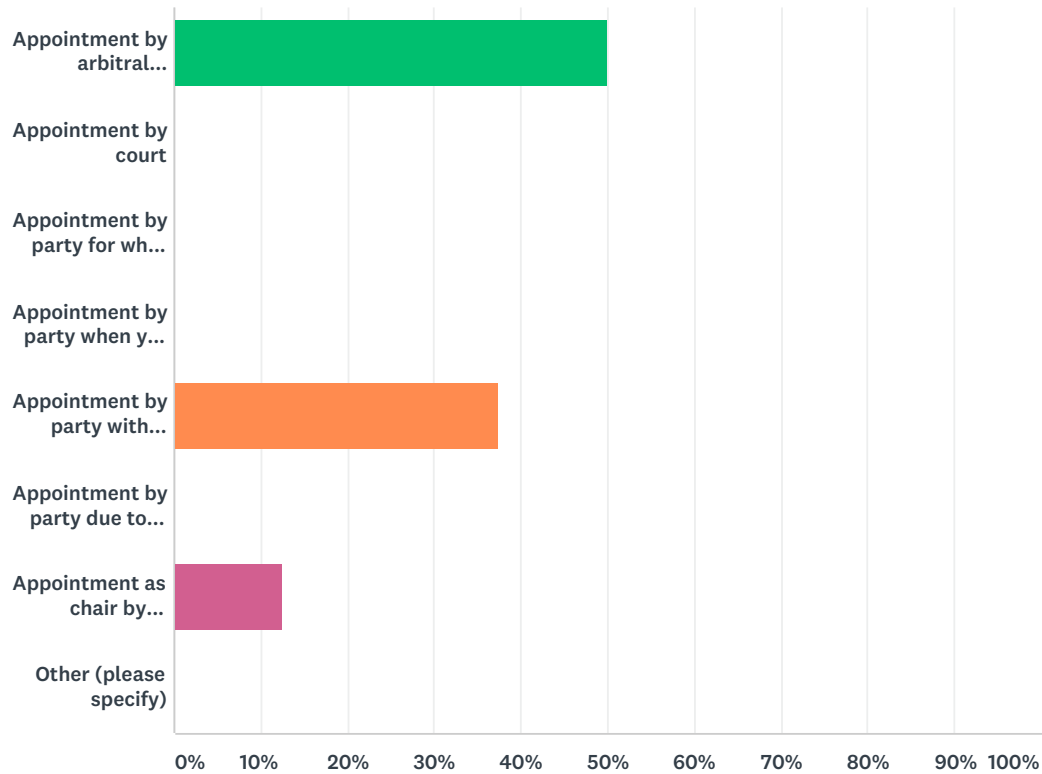
Answered: 8 Skipped: 7



ANSWER CHOICES	RESPONSES	
0-5	0.00%	0
5-10	62.50%	5
10-15	25.00%	2
15-20	12.50%	1
20+	0.00%	0
<b>TOTAL</b>		<b>8</b>

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

Answered: 8 Skipped: 7

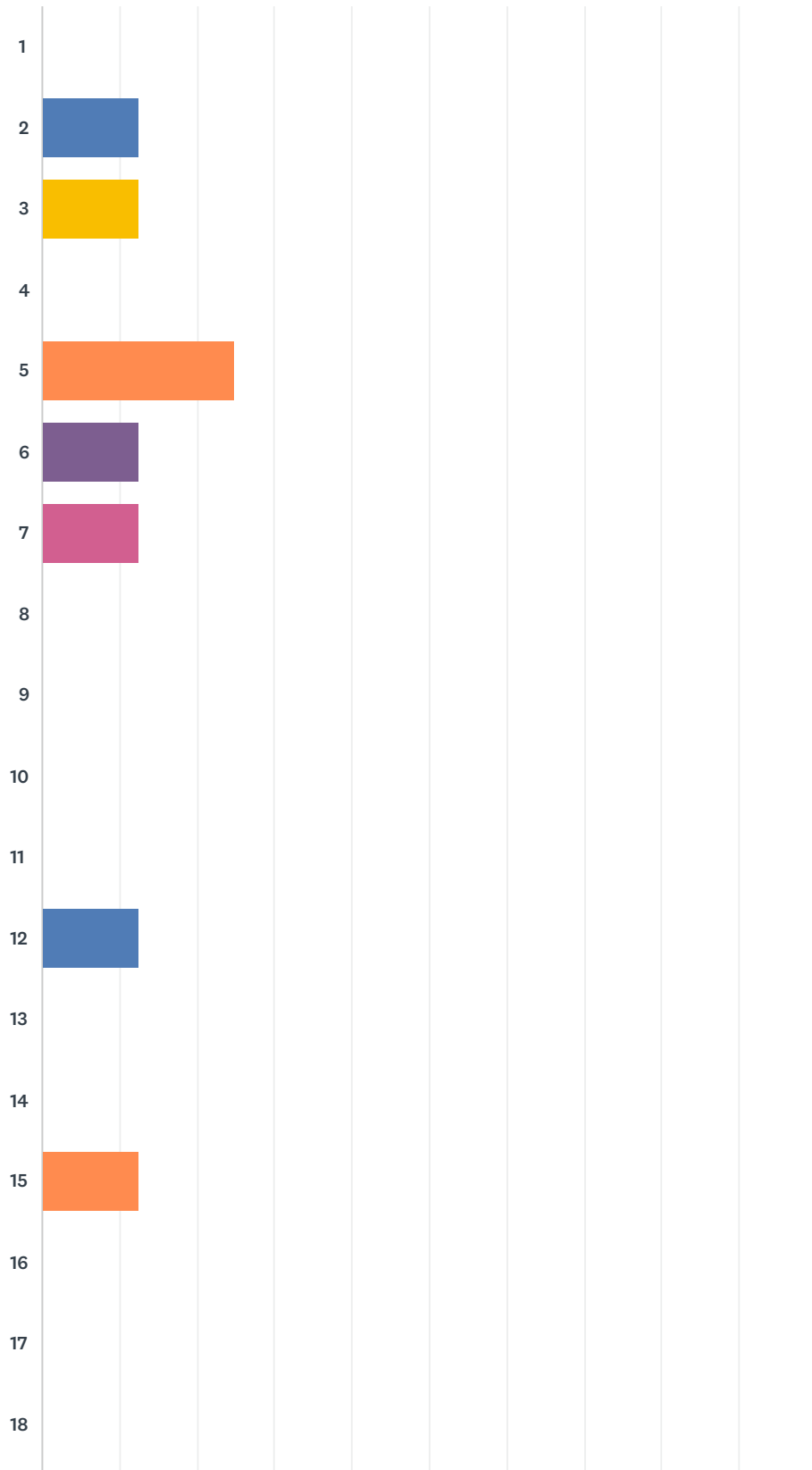


ANSWER CHOICES	RESPONSES
Appointment by arbitral institution	50.00% 4
Appointment by court	0.00% 0
Appointment by party for whom you had previously performed work	0.00% 0
Appointment by party when you had previously performed work for a related entity (e.g. parent, subsidiary, government department)	0.00% 0
Appointment by party with which you had no previous connection	37.50% 3
Appointment by party due to a social connection with a representative of the party	0.00% 0
Appointment as chair by parties or party-nominated arbitrators	12.50% 1
Other (please specify)	0.00% 0
<b>TOTAL</b>	<b>8</b>

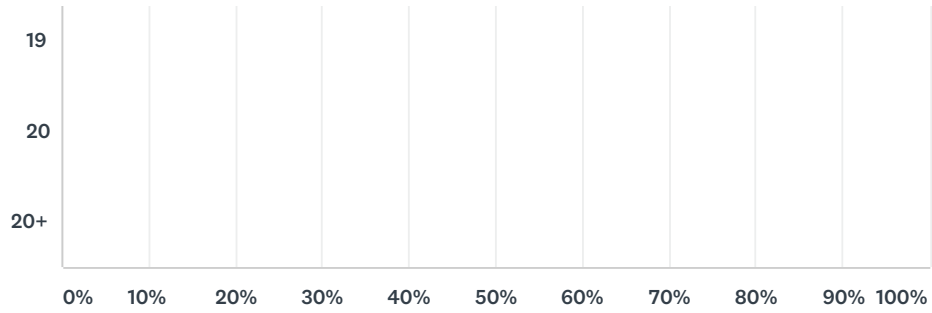
#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

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

Answered: 8 Skipped: 7



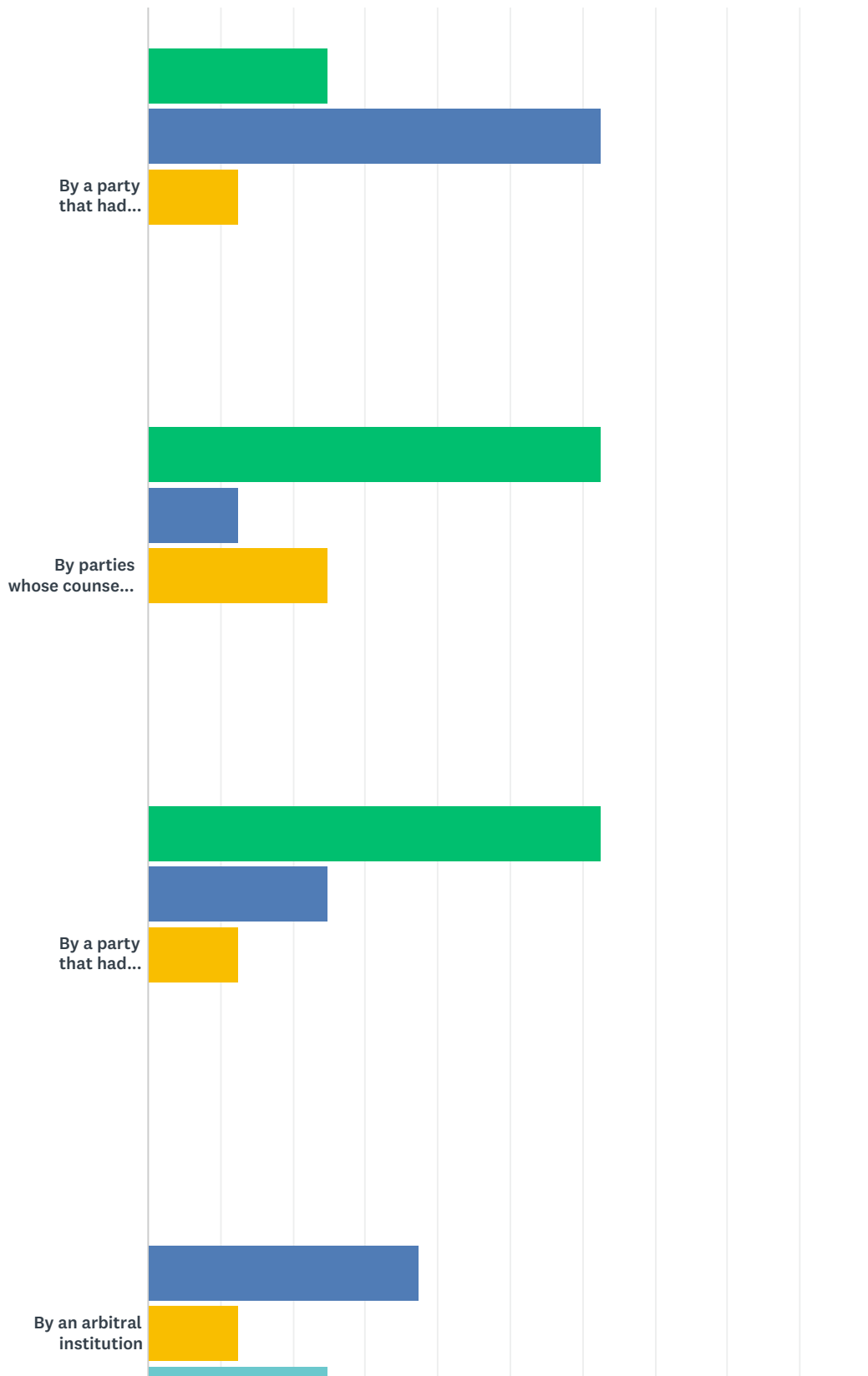
## Survey on the Law and Practice of Arbitration in the Americas



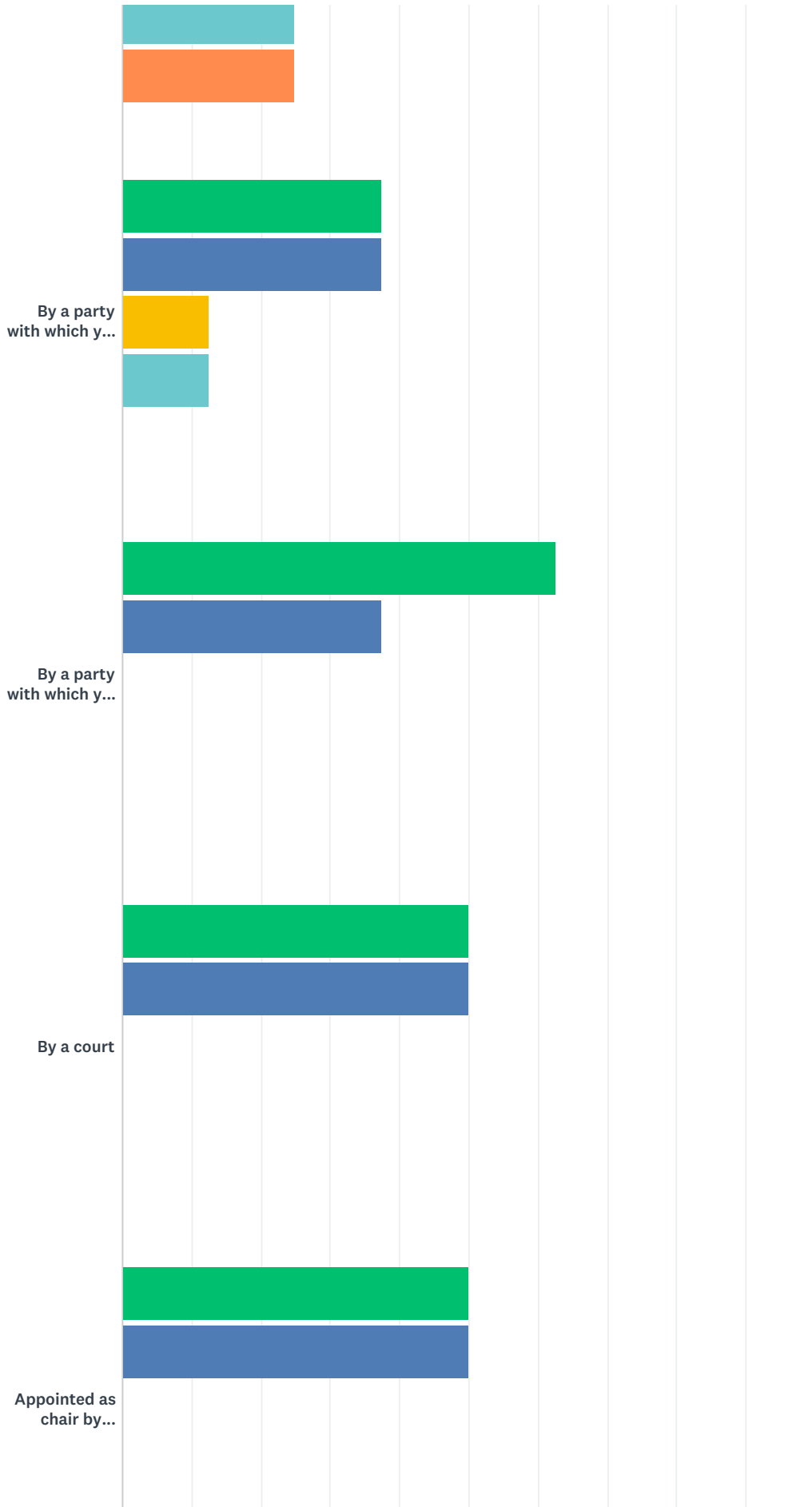
ANSWER CHOICES	RESPONSES	
1	0.00%	0
2	12.50%	1
3	12.50%	1
4	0.00%	0
5	25.00%	2
6	12.50%	1
7	12.50%	1
8	0.00%	0
9	0.00%	0
10	0.00%	0
11	0.00%	0
12	12.50%	1
13	0.00%	0
14	0.00%	0
15	12.50%	1
16	0.00%	0
17	0.00%	0
18	0.00%	0
19	0.00%	0
20	0.00%	0
20+	0.00%	0
<b>TOTAL</b>		<b>8</b>

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

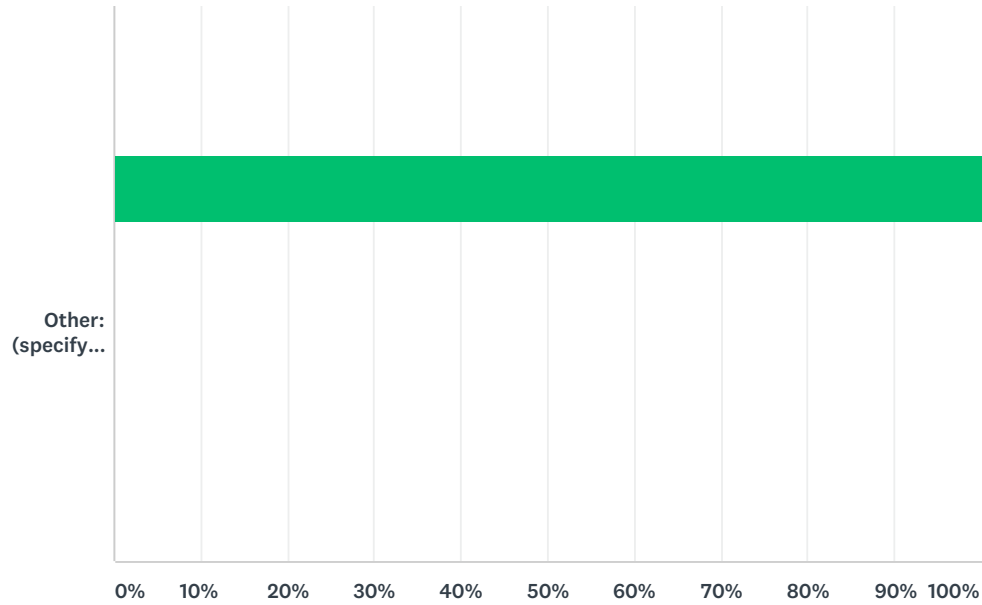
Answered: 8 Skipped: 7



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



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



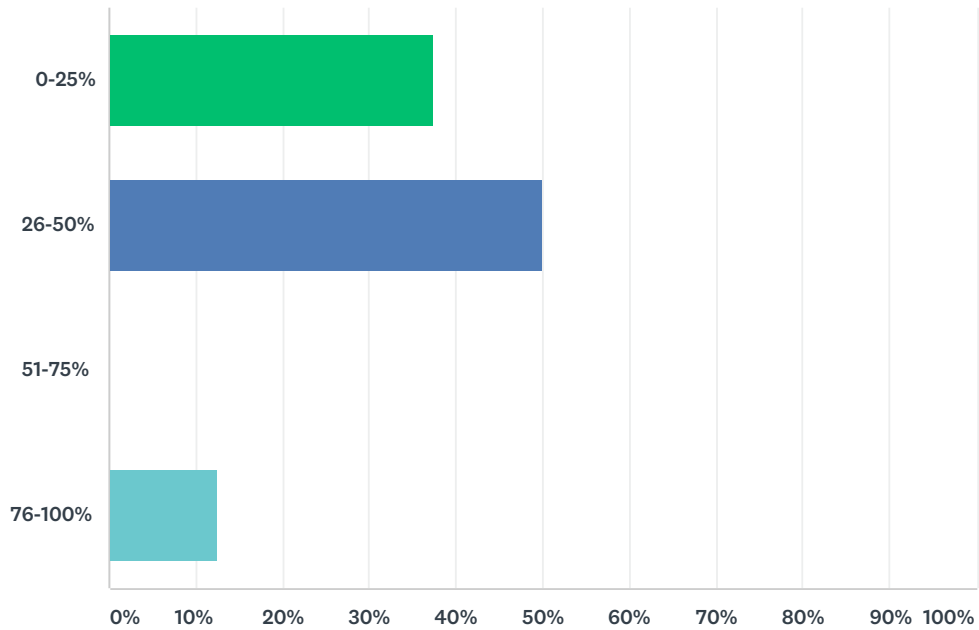
■ 0   
 ■ 1-25%   
 ■ 26-50%   
 ■ 51-75%   
 ■ 76-100%

	0	1-25%	26-50%	51-75%	76-100%	TOTAL
By a party that had previously appointed you as an arbitrator	25.00% 2	62.50% 5	12.50% 1	0.00% 0	0.00% 0	8
By parties whose counsel had previously represented a party that appointed you as arbitrator	62.50% 5	12.50% 1	25.00% 2	0.00% 0	0.00% 0	8
By a party that had previously participated in an arbitration in which you were appointed by the opposing party	62.50% 5	25.00% 2	12.50% 1	0.00% 0	0.00% 0	8
By an arbitral institution	0.00% 0	37.50% 3	12.50% 1	25.00% 2	25.00% 2	8
By a party with which you had no previous contact	37.50% 3	37.50% 3	12.50% 1	12.50% 1	0.00% 0	8
By a party with which your connection was a social connection with a representative of that party	62.50% 5	37.50% 3	0.00% 0	0.00% 0	0.00% 0	8
By a court	50.00% 4	50.00% 4	0.00% 0	0.00% 0	0.00% 0	8
Appointed as chair by party-nominated arbitrators	50.00% 4	50.00% 4	0.00% 0	0.00% 0	0.00% 0	8
Other: (specify category in the box below)	100.00% 8	0.00% 0	0.00% 0	0.00% 0	0.00% 0	8

#	PLEASE SPECIFY WHAT "OTHER" MEANS	DATE
	There are no responses.	

### 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: 8 Skipped: 7

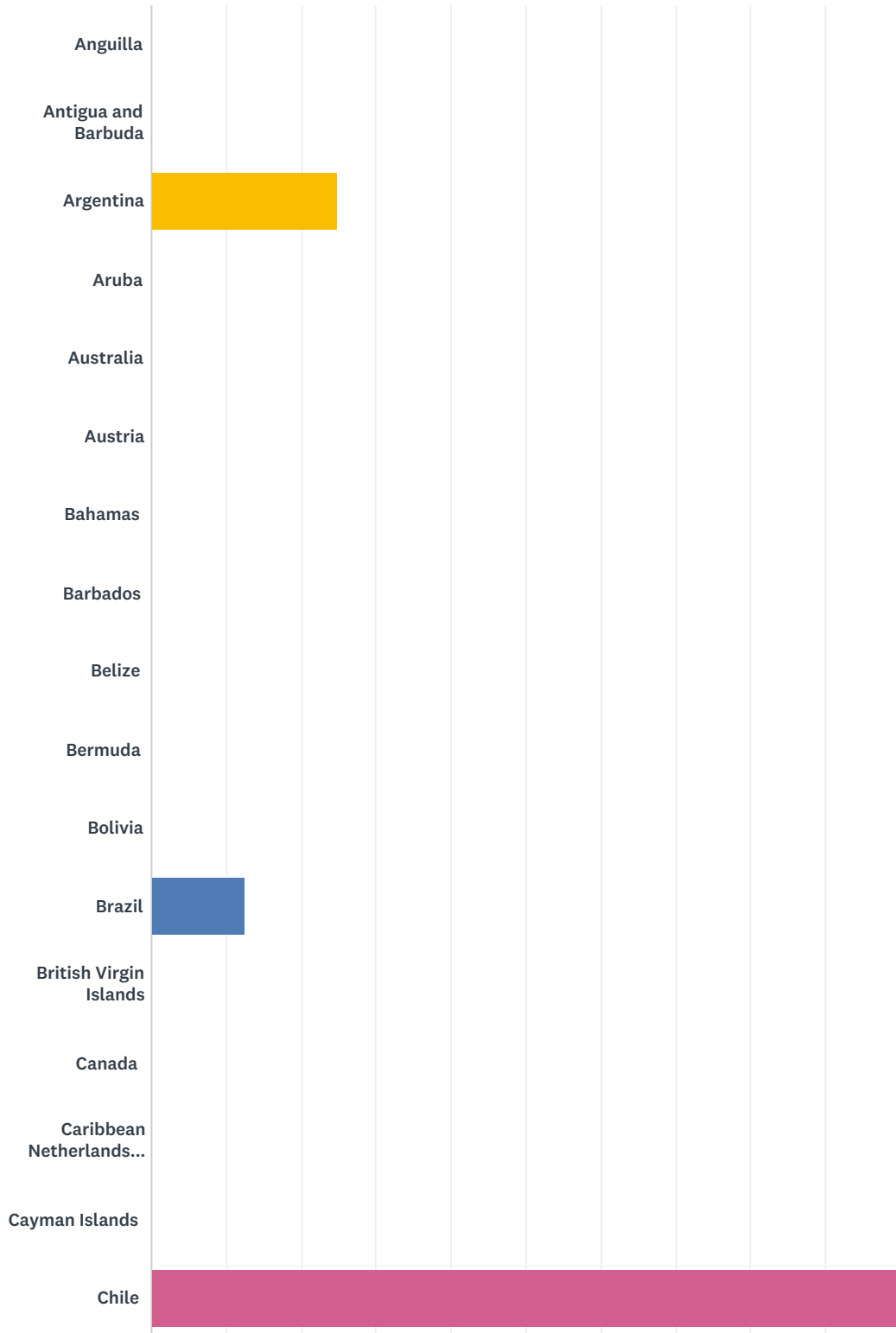


ANSWER CHOICES	RESPONSES	
0-25%	37.50%	3
26-50%	50.00%	4
51-75%	0.00%	0
76-100%	12.50%	1
TOTAL		8



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: 8 Skipped: 7



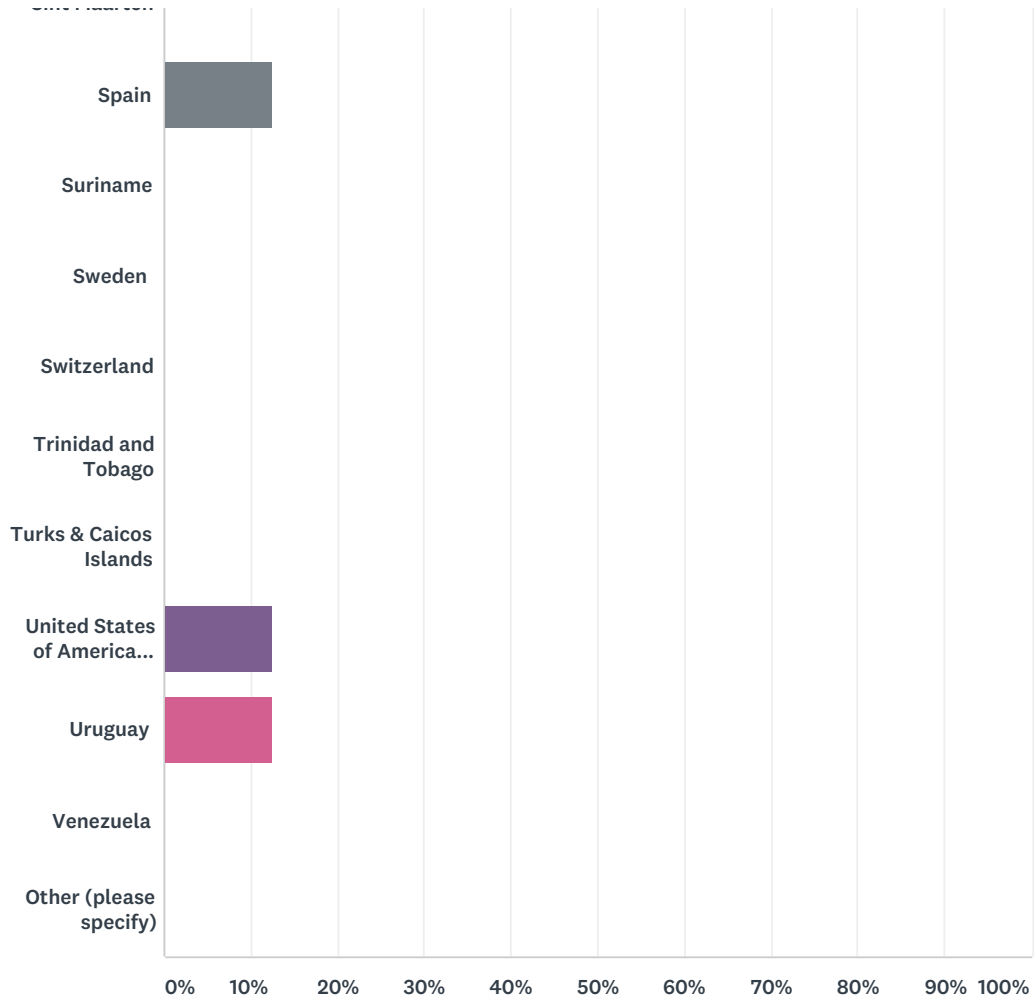
# Survey on the Law and Practice of Arbitration in the Americas



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



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



ANSWER CHOICES	RESPONSES	
Anguilla	0.00%	0
Antigua and Barbuda	0.00%	0
Argentina	25.00%	2
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	12.50%	1
British Virgin Islands	0.00%	0
Canada	0.00%	0

## 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	100.00%	8
China (not including Hong Kong)	0.00%	0
Colombia	12.50%	1
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	12.50%	1
Egypt	0.00%	0
El Salvador	0.00%	0
England, Wales and Northern Ireland	0.00%	0
Falkland Islands	0.00%	0
France	12.50%	1
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
Jamaica	0.00%	0
Martinique	0.00%	0
Mexico	12.50%	1
Montserrat	0.00%	0
Netherlands	0.00%	0
Nicaragua	0.00%	0
Panama	12.50%	1
Paraguay	0.00%	0

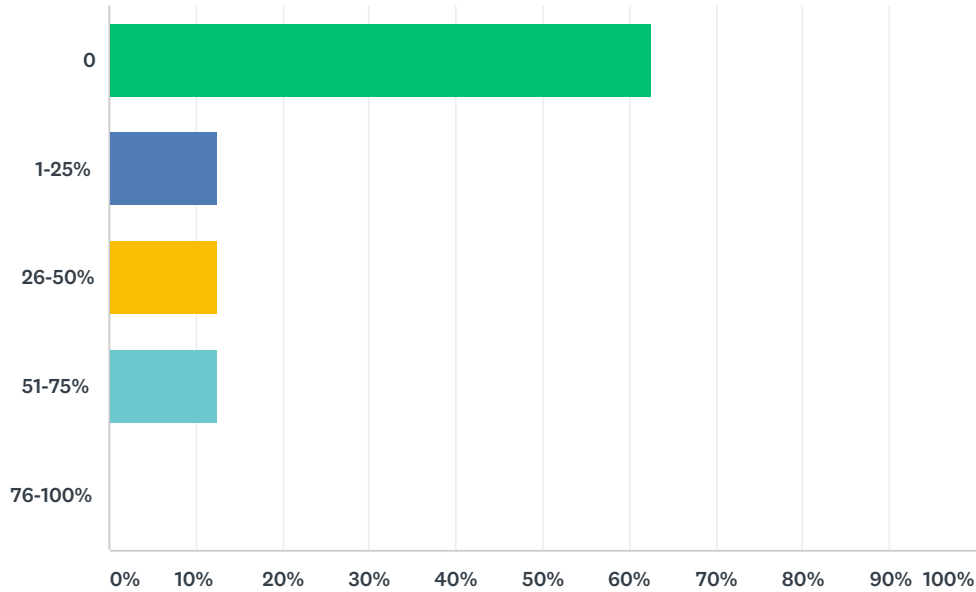
## Survey on the Law and Practice of Arbitration in the Americas

Peru	25.00%	2
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	12.50%	1
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)	12.50%	1
Uruguay	12.50%	1
Venezuela	0.00%	0
Other (please specify)	0.00%	0
Total Respondents: 8		

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

### 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?

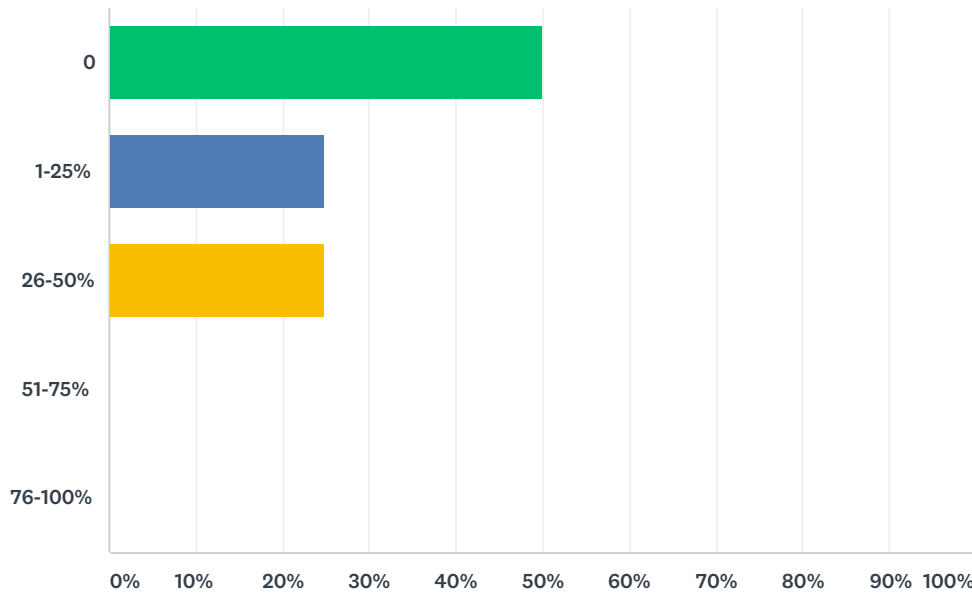
Answered: 8 Skipped: 7



ANSWER CHOICES	RESPONSES	
0	62.50%	5
1-25%	12.50%	1
26-50%	12.50%	1
51-75%	12.50%	1
76-100%	0.00%	0
<b>TOTAL</b>		<b>8</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: 8 Skipped: 7

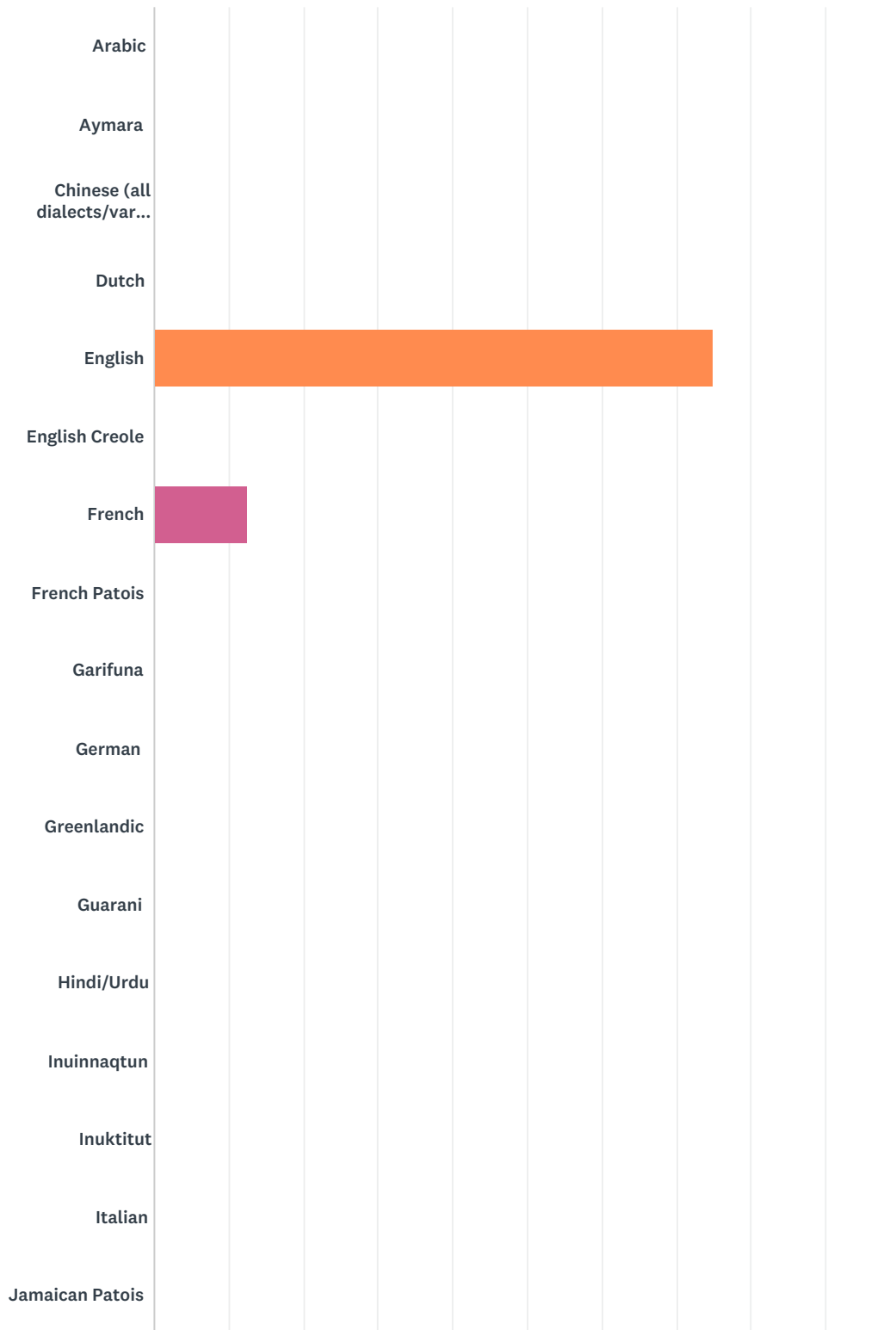


ANSWER CHOICES	RESPONSES	
0	50.00%	4
1-25%	25.00%	2
26-50%	25.00%	2
51-75%	0.00%	0
76-100%	0.00%	0
<b>TOTAL</b>		<b>8</b>

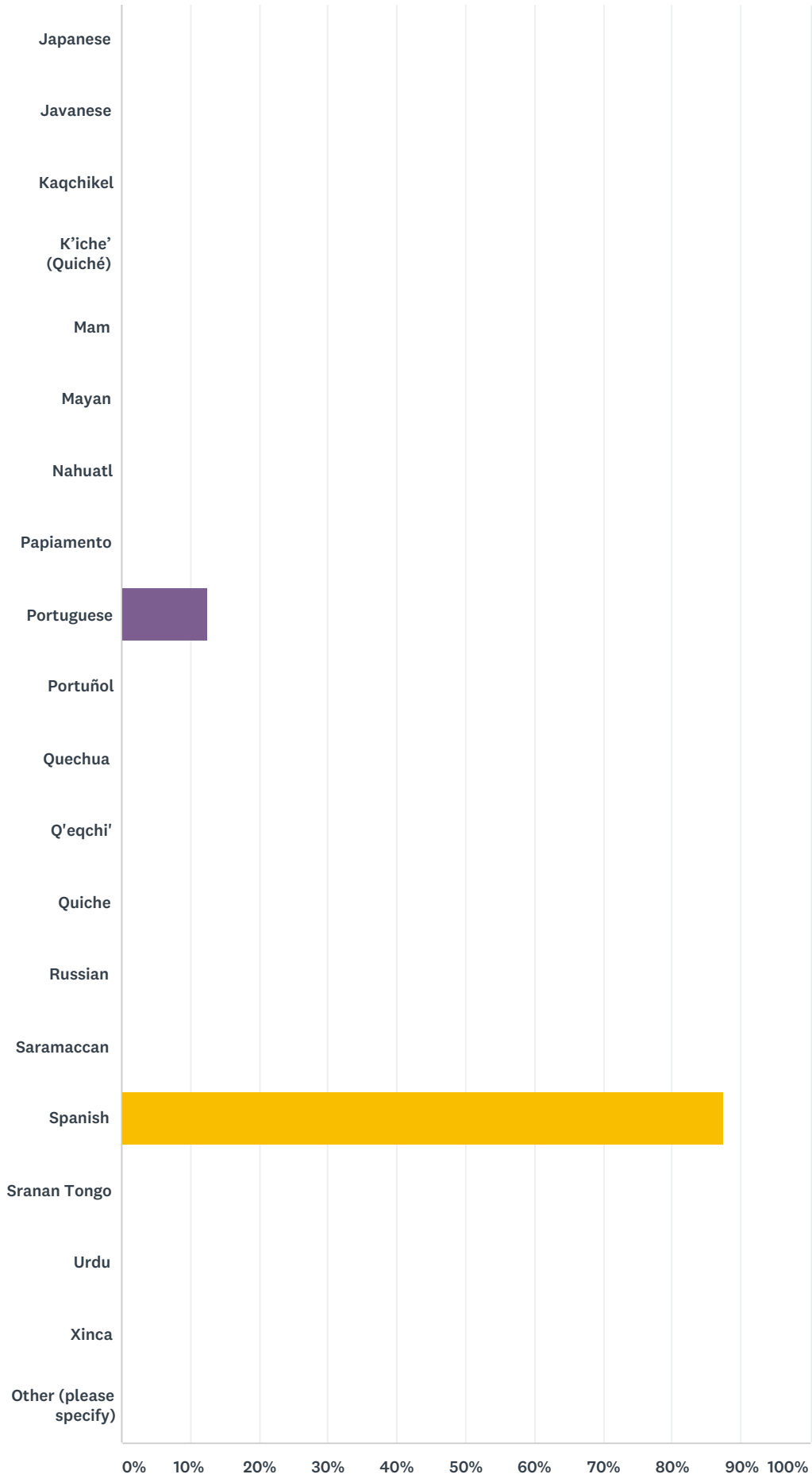


Q79 In which of the following languages have you worked as an arbitrator? Note: Please include any substantive work done, including reading untranslated documents, hearing untranslated testimony, etc., even if most of the arbitration was conducted in another language.

Answered: 8 Skipped: 7



# 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	75.00%	6
English Creole	0.00%	0
French	12.50%	1
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	12.50%	1
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	87.50%	7

## 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: 8		

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