

Helen Conybeare Williams Featured in Mealey's International Arbitration Report Q&A About New LCIA Rules

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PRACTICES Shipping, Shipping Dispute Resolution, Offshore Oil and Gas Dispute Resolution

Haynes Boone Counsel Helen Conybeare Williams provided insights in a *Mealey's International Arbitration Report* Q&A about how the new London Court of International Arbitration (LCIA) rules will affect arbitration proceedings.

Here is an excerpt:

Mealey's: The new LCIA arbitration rules took effect Oct. 1, 2020. What do you see as the most important changes to the LCIA arbitration rules and how do you believe those changes will affect arbitration proceedings?

Conybeare Williams: The rule updates allow for a more efficient and flexible approach in a number of respects within the existing framework. These changes will be beneficial to parties in disputes arising in complex and major international energy and infrastructure projects where different workscopes are often split between a number of contractors, and onshore and offshore parts, like large scale wind farms and pipeline projects, or the different contracts related to the construction and delivery of ships or vessels into service in the offshore energy sector. That is significant as users from the energy and resources sector accounted for 22% of LCIA arbitral referrals in 2019. Parties may now file a composite request for arbitration to commence more than one arbitration, and likewise a composite response. These separate arbitrations may be consolidated later into a single arbitration.

The existing powers of the tribunal and LCIA Court to consolidate arbitrations have been expanded to cover related contracts. If all the parties do not so agree, the tribunal and LCIA can order that arbitrations subject to the LCIA Rules and started under the same or compatible arbitration agreements either between the same disputing parties or arising out of the same transaction or series of related transactions may be consolidated. This power can be exercised by a tribunal prior to formation of the tribunal in the other arbitrations or where the same tribunal is constituted, and by the LCIA Court where no tribunal has yet been formed. Similarly, the tribunal may order arbitrations having the same tribunal to be conducted concurrently. The LCIA reported an increase in the number of applications for consolidation in 2019, reflecting parties' desire for procedural efficiencies to deal with complexities of their disputes, so that trend seems set to continue and the updated rules provide additional valuable procedural options to the arbitral tool-kit.

To read the full article, click on the PDF link below.

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