

Fiona Cain in BCL Legal: Developing Haynes Boone's International Arbitration Rules Comparison Tool

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PRACTICES International, International Arbitration

Haynes Boone Counsel [Fiona Cain](#) authored an article for "The Brief," a newsletter from *BCL Legal*, describing her work with the Haynes Boone Arbitration Rules Comparison Tool, which ensures that users are always equipped with the information they need to make informed decisions in the complex world of international arbitration.

Read an excerpt below.

As a dispute resolution lawyer with over 25 years' experience, I regularly work with clients who have selected arbitration to resolve their disputes. The majority of the arbitrations that I now work on are governed by specific rules, including those of the London Maritime Arbitration Association (LMAA), the International Chamber of Commerce (ICC) and the London Court of International Arbitration (LCIA). I am very familiar with those rules, but there are occasions when a dispute is governed by a different set of rules, and I need to quickly understand how those rules differ. I am also called on to advise on dispute resolution clauses during contract negotiations, including which set of rules I would recommend to determine a dispute. This is where the [Haynes Boone Arbitration Rules Comparison Tool](#) comes in use.

The Genesis of the Arbitration Rules Comparison Tool

My involvement and work on the Arbitration Rules Comparison Tool dates back eight years, when a colleague returned from a business trip to Japan. During the trip, one of the topics of discussion was arbitration and how the rules of the various arbitral institutions differed. They needed a clear and concise summary of the differences between the rules of various arbitral institutions. Such a resource would be invaluable not only during contract negotiations—when parties must agree on the arbitration rules to be included in their contracts—but also in the event of a dispute, providing a ready reference to the applicable procedural framework.

I was asked to produce the first iteration of the tool—a simple comparative table. This table focused on six major arbitral institutions: the China International Economic and Trade Arbitration Commission, Hong Kong International Arbitration Centre, ICC, International Centre for Dispute Resolution, LCIA and Stockholm Chamber of Commerce. In addition, it included three sets of ad hoc rules: those of the United Nations Commission on International Trade Law, the LMAA and the Singapore Chamber of Maritime Arbitration. These institutions and rules were selected based on their prevalence in the firm's practice and their regular appearance in our clients' contracts.

Competition and Initial Impact

At the time, while other law firms and online legal research platforms offered similar comparison tables, they often failed to cover all the arbitral institutions that were relevant to the firm's clients and governing the disputes the firm was handling. Moreover, they did not always address the specific features that were most pertinent to our clients. This gap underscored the importance of developing a bespoke tool tailored to our clients.

The initial table identified 25 areas for comparison, such as the appointment of arbitrators, governing law, hearing venue and confidentiality. By summarising how each set of rules addressed these issues, the table enabled users to quickly identify key differences and make informed decisions about the appropriate arbitration rules. The table was distributed in hard copy and via email to selected clients, particularly those who had expressed an interest in such a resource or were in the process of negotiating an arbitration clause.

Continuous Improvement and Expansion

Less than a year after the first table was sent out, three sets of rules were revised by their institutions and associations. This provided an opportunity not only to update the content but also to expand its scope by including additional sets of rules that had become increasingly relevant to the firm's work. This was the first of many updates over the past eight years, as all of the institutional rules have been revised, as well as two of the sets of ad hoc rules.

To read the full article from *BCL Legal*, click [here](#).