

## **Introduction**

1. From July 3 to 5, 2024, we participated in the SCIA and SCIAHK Dual Qualification Advanced Practical Training Program in International Commercial Arbitration (the “**Training**”). This immersive experience, held in Shenzhen and Hong Kong, provided a deep dive into the nuances of arbitration, combining expert lectures with hands-on workshops.

### **Day 1: July 3, 2024 (Shenzhen)**

#### **Welcome Remarks and Introductions**

2. The Training commenced with welcoming remarks by Dr Xiaochun Liu. Dr Liu shared his insights as to the commonalities and differences from his experiences in the two jurisdictions. He particularly explained the role of the institutions in resolving cross-border disputes in the twin-city framework.
3. Participants from numerous mainland cities were invited to comment on the topic which set the stage for collaborative learning. Throughout the Training, fellow participants from diverse legal backgrounds were eager to contribute with their invaluable knowledge and experiences.
4. It also gave us imminent reflection on the importance of global networking in arbitration cannot be overstated. It is no doubt that building connections with professionals worldwide enhances understanding and cooperation in resolving international disputes.

#### **Latest Developments in International Arbitration in China**

5. After that, Mr Guoyong Huang presented the latest development of international arbitration in China from the perspective of SCIA. He particularly emphasized on the impartiality and independence celebrated by the Chinese arbitration community as member of international commercial dispute resolution.
6. With the presentation, we could be kept staying informed about the regional developments of international commercial arbitration. We also learned that

China's growing role in international arbitration means that practitioners must be well-versed in its legal landscape.

### **Conducting Opening and Closing Statements**

7. With the first substantive workshop, Mr Marcus Quintanilla and Ms Mylene Chan provided practical frameworks for structuring statements. The importance of skills in storytelling was introduced, together with, among other things, the principles of persuasion and chronicle of promises.
8. It could not be overstated that effective communication is key in persuasion, in crafting tailored arguments, for specific audiences, whereas fairness must always be kept in mind. We also had the opportunity to work with other participants to prepare opening and closing statements in another workshop under the guidance of the speakers. It is an invaluable experience.



### **Effective Techniques for Arbitrators**

9. Ms Kim Rooney also shared her insights on how effective opening statements and closing arguments could be communicated, from the perspective of an

arbitrator. She emphasised, also, the overarching concept of fairness. Other than that, clarity and precision in arbitration were particularly essential.

10. In addition, she cautioned that there is no one-size-fits-all method and advocacy styles shall be flexible and cater for arbitrators from multiple legal systems and cultures. This would require adaptiveness in assisting the arbitrators to prepare and manage the proceedings efficiently.

## **Day 2: July 4, 2024 (Shenzhen)**

### **International Arbitration Practice in Hong Kong**

11. The international arbitration practice and development in Hong Kong was introduced from the perspective of SCIAHK by Mr Xiongfeng Li. Particularly, he highlighted Hong Kong's strategic advantages as an arbitration hub and its unique position being involved in cross-border dispute resolutions.
12. This further enhanced our jurisdictional knowledge with understanding the strengths of different arbitration centres that would have an impact on our case strategy and potentially influence the outcomes.

### **Cross Examination and Redirect Examination**

13. In the second substantive workshop, Mr Quintanilla and Ms Chan introduced questioning techniques in both cross examination and redirect examination. The witness handling skills in situations where written witness statements would be adduced and where the evidence-in-chief is conducted entirely on an oral basis were also analysed.
14. It is not doubt that mastery of cross-examination is crucial in trial advocacy. It is a good reminder for us that advocacy requires a balance of assertiveness and subtlety to uncover key facts and challenge opposing testimonies effectively, with the ultimate goal to assist the tribunal in its functions.



15. Like the opening and closing submissions, we also had the opportunity to work with other participants to practice what we learnt in the questioning techniques workshop. It is, again, an invaluable experience to work with these seasoned practitioners under the guidance of our teachers.



### **Day 3: July 5, 2024 (Shenzhen)**

#### **Best Practices in Witness Examinations and Closing Arguments**

16. The final day of the Training began with Prof. Anselmo Reyes sharing his insights into delivering concise and compelling arguments. He started with an overview of how arbitrators decide disputes, and therefore, what practitioners shall have in mind to effectively influence those decisions. The idea of issue-oriented dispute resolution was also introduced, whereas we shall identify the “real” issues in dispute and present the case with focus.
17. Prof Reyes’ gave very insightful tips in conducting cases. Particularly, he shared his views on how to effectively cross examine the witnesses in a disciplined and conversational style. We were also reminded that arguments shall be focused, and points that became weak or hopeless after the evidence eventually came out shall be given up without troubling the tribunal.

#### **Mock Arbitration**

18. The Training ended with a mock arbitration which provided an opportunity for us to practise all the skills learning with a realistic simulation of an arbitration. The different approaches between jurisdictions could, again, be observed, and this no doubt gave us an invaluable opportunity to learn from each other’s strengths.
19. Real-world practice is invaluable. The mock arbitration highlighted the complexity of international commercial arbitration and underscored the need for strategic thinking and quick decision-making. We shall continue to sharpen our skills and, further, bring more into our toolboxes.

#### **Conclusion**

20. The Training was a transformative experience that significantly enriched our understandings of international commercial arbitration. The blend of theoretical knowledge and practical application provided a comprehensive



learning environment. It emphasised the importance of continuous learning, adaptability, and cultural awareness in the ever-evolving field of arbitration.

21. It is an inspiring experience to participate in the Training and we thank the Bar Association and YBC for their generous support. We are also grateful to have met and learnt from our fellow practitioners from all over mainland China.



Dated the 4<sup>th</sup> day of September 2024.

Andy Kwok

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