



# How junior arbitration lawyers can impress at (virtual) hearings

## Twenty Essex, RPC, CI Arb YMG webinar

On 14th October 2020, a group of arbitration practitioners gave the benefit of their experience to help junior practitioners faced with the new virtual arbitration world. We set out below some high level pointers from those discussions that we hope will provide some much-needed guidance and some ideas for potential opportunities to shine.

- **Professor Julian Lew QC** (arbitrator at Twenty Essex)
- **Paul Baker** (Counsel at RPC)
- **Naomi Briercliffe** (Counsel at Allen & Overy)
- **Sebastiano Nessi** (Counsel at Schellenberg Wittmer)
- **Oliver Caplin** (barrister at Twenty Essex)

To listen to the debate, click [here](#)

### Tips from the top – Professor Julian Lew QC

- **Be aware of law and procedure in jurisdictions/fora outside your own**
  - many arbitrations are international, with parties, legal representatives and Tribunal members located all over the world. Be conscious of the influence of varying legal backgrounds and be open to understanding the influence and impact of differing systems and interpretations
- **Absorb good habits** – be decisive and react quickly. Shun bad habits
- **You are an essential part of the team**
  - good leaders will recognise that and invest in your development. One day you will be sitting where they are!

### Tips from the panel

#### What should junior team members be focused on before the hearing?

- **Administrative tasks**
  - prepare bundles
  - ensure that post-it notes, highlighters and all other stationary is available
  - liaise with PAs to ensure that lunches are ordered for the whole team and check dietary requirements

#### ◦ Substantive tasks – solicitors

- finalise cross-examination scripts
- organise prep meetings with experts and witnesses
- look after the client
- prepare slides
- check references

#### ◦ Substantive tasks – barristers

- finalise cross-examination notes, whether detailed or general themes
- first draft of skeleton
- familiarise yourself with documents and bundles
- remind yourself of the latest procedural order (eg trial and evidential timetable)

#### How can junior lawyers be of most help on the day(s) of the hearing?

- **Be proactive** – position yourself as a doer
- **Identify and anticipate the needs of the team;** catering, materials, hearings
- **Know your environment.** If possible, visit the hearing rooms in advance
  - where are the breakout rooms?
  - are there enough power outlets in the room?
  - if you are turning pages for witnesses, make sure you have extract copies and that you have enough space to sit

- In relation to the case itself, know the submissions inside out and specific sections of submissions
- Be a good communicator and pass notes. Don't distract lawyers doing the advocacy
- Establish how you will communicate with your leader
- Be professional!
- Set two alarm clocks for the day of the hearing...

#### Particular points for those involved in virtual hearings

- Ensure that all lawyers, witnesses and counsel have all the relevant tech, both hardware and software. Check:
  - screens
  - cameras
  - home set-ups generally
  - if witnesses do not have the relevant tech, you may need to agree with the other side to make it available
  - microphones
- Agree the platform with the other side
- Set up a dummy run
- Set up communication between the members of your party eg WhatsApp/ Chat/Email
- Try to agree the parameters for sending notes to your senior team members to minimise over/under-communication.



In far-off days, before the world truly became virtual, a junior arbitration lawyer would learn their craft by figuratively sitting at the feet of their supervisor, both in the office (remember those?) and in hearings, absorbing good (and bad) practice.

Since the world moved online, albeit hopefully temporarily, not only has learning “on the job” become perhaps more difficult for junior lawyers, how they can impress those who have the power to advance them in the context of an arbitral hearing has been equally challenging.

**We took the temperature with our 100+ viewers on some challenges faced by junior arbitration practitioners during the course of the webinar and this is what we found:**

Do you feel that virtual arbitration presents positive opportunities for junior lawyers?



Do you think junior lawyers are given enough opportunity to 'show what they can do' in arbitral hearings?



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