

International Arbitration from An Expert's Point Of View



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International arbitration is experiencing significant growth due to many construction projects being developed around the world. International arbitration forums offer many advantages, such as neutrality and flexibility of the arbitration process, and have several unique features that experts need to understand before engaging in this type of work.

The expert's direct testimony is typically limited to written expert reports, placing greater emphasis for the reports to be as clear as possible. Experience has shown that effective expert reports include extensive footnotes, ensuring the tribunal fully understands the opinions.

International arbitrations rely heavily on witness statements from fact witnesses to explain relevant events to the tribunal. It is important the witness statements are also properly footnoted.

In an effort to limit "fishing expeditions," the tribunal may reject overly broad document production requests. Such requests should be related to specific disputed issues and described in sufficient detail. Broad requests such as "all emails" are typically rejected.

International arbitrations have many similarities to domestic arbitration forums. However, the above-listed items provide useful reminders of some key differences.

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