

The London
Court of
International
Arbitration

2019
ANNUAL
CASEWORK
REPORT



ABOUT THE LCIA

The LCIA is one of the world's leading international institutions for commercial dispute resolution.

The LCIA provides efficient, flexible and impartial administration of arbitration and other alternative dispute resolution proceedings, regardless of location and under any system of law.

The LCIA administers arbitrations pursuant to the LCIA Arbitration Rules (LCIA Rules), which are universally applicable and suitable for all types of arbitrable disputes. In addition, the LCIA regularly acts as appointing authority and administers arbitrations conducted pursuant to the United Nations Commission on International Trade Law Arbitration Rules (UNCITRAL Rules). The LCIA also provides other services such as fundholding, and other Alternative Dispute Resolution (ADR) services including mediation, expert determination and adjudication.

The LCIA provides access to the most eminent and experienced arbitrators, mediators and experts, with diverse backgrounds, from a variety of jurisdictions, and with a wide range of expertise. The LCIA's dispute resolution services are available to all contracting parties, with no membership requirements.

In order to ensure cost-effective services, the LCIA's administrative charges and the fees charged by the arbitrators it appoints are not based on the value of the dispute. Instead, a fixed registration fee is payable with the Request for Arbitration, and the arbitrators and LCIA apply hourly rates for services.

In addition to its dispute administration services, the LCIA conducts a worldwide program of conferences, seminars, and other events of interest to the arbitration and ADR community, with some 2,300 members hailing from over 89 countries. The LCIA also sponsors the Young International Arbitration Group (YIAG), a group for members of the arbitration community aged 40 or younger, with nearly 11,000 members hailing from 147 countries.

EXECUTIVE SUMMARY

This annual casework report comes at an unprecedented time in the long history of the LCIA. COVID-19 has affected our lives and working practices in ways few could anticipate. Many around us are struggling and facing profound difficulties. At the LCIA, we feel privileged to be part of a supportive and stable organisation and working environment, and we aim to continue to provide users with the highest quality arbitration services. As an organisation, and as a wider arbitration community, we have already demonstrated our resilience and capabilities in recalibrating and adjusting to this rapidly changing world and we feel confident we can continue to do so.

The current crisis and the need to dispense – at least for the foreseeable future – with in-person meetings, in whole or in part, is changing the arbitration landscape fundamentally. The crisis has impacted many ongoing cases, leading to some delays and extensions, but equally to a host of (new) solutions, ensuring robust case management.

In the first quarter of 2020, the LCIA has seen a spike in new cases, and in the medium-term the COVID-19 crisis will undoubtedly lead to additional cases. Then again, while firms and businesses are now effectively working remotely, preparing for and filing new cases that were not yet in the pipeline before the crisis may be challenging in the short-term. In due course, the reports over 2020 and subsequent years will provide further insight in the fuller impact of the crisis; for now, we take comfort from the fact that 2019 has been an outstanding year for the LCIA and we continue to work with and for users to provide the service levels they are used to.

- The LCIA had an outstanding year in 2019, with a record number of 406 cases referred to the LCIA, including 346 arbitrations pursuant to the LCIA Rules, the highest number ever received.
- As part of the LCIA's drive for optimal transparency, from this year onwards the annual casework report will also provide information, where available, on other types of cases in which the LCIA provides varying levels of administration, in particular pursuant to the UNCITRAL Rules as Appointing Authority and/or administering institution or as Fundholder.
- 2019 demonstrated the continuingly diverse profile of the parties choosing the LCIA, with a growth in parties from Western Europe including Switzerland and Ireland, and steady numbers from Russia and Cyprus.
- 2019 saw a continued and significant growth in the number of LCIA arbitrations in the banking and finance sector, cementing the LCIA's position as the leading dispute resolution service provider for financial disputes.
- There was a significant increase in the number of loan or other facility agreements seen in LCIA arbitrations, representing 30% of all agreements.
- There was a considerable increase in the number of cases where the relief sought was less than 1 million USD, in large part attributable to two suites of cases received in 2019.
- There was a continuation of a wider range of seats and applicable laws. Notably, the increase in the number of different seats and applicable laws was generally not concomitant, demonstrating a willingness of the parties to "mix and match" their choice of law and seat.
- The LCIA Court continues to be a leader in gender diversity, with 2019 seeing a further increase in the overall number of female arbitrator appointments in LCIA arbitrations resulting in an increase from 23% in 2018 to 29% in 2019. While the number of female candidates selected by parties and co-arbitrators has increased, the LCIA remains the main driver for gender diversity, with 48% of all arbitrators selected by the LCIA being female arbitrators.
- Increased diversity is also demonstrated by the rise in the number of appointments by the Court of non-British arbitrators.
- 60% of all arbitrators appointed in LCIA arbitrations in 2019 were only appointed once during the same calendar year. 23% of arbitrators were appointed twice, and 8% of arbitrators three times. The small number of more frequent appointments is largely due to appointments in related cases.
- 19% of arbitrators appointed in 2019 in LCIA arbitrations were first-time appointees and the average number of appointments per arbitrator was one, regardless of gender.
- There continues to be, over time, an even split between the number of tribunals composed of a sole arbitrator and the number of three-member tribunals in LCIA arbitrations.
- Consistently low arbitrator challenge numbers continue to reflect a robust arbitrator appointment and challenge procedure, with the number of challenges as a percentage of new cases each year being around 2% each year in the last five years.

CASELOAD

2019 has been an outstanding year for the LCIA, with 406 referrals made to the LCIA, which is the highest number of referrals ever recorded. The bulk of these referrals are arbitrations fully administered by the LCIA pursuant to the LCIA Rules. As with previous reports, information about LCIA cases will be provided in full detail. In addition, as part of the LCIA's drive for optimal transparency, from this year onwards the annual casework report will also provide information, where available, on other types of cases in which the LCIA provides varying levels of administration.

The following chart shows a breakdown of the 406 referrals made to the LCIA in 2019 and the section below will give more details about the makeup of these cases.



ARBITRATIONS PURSUANT TO THE LCIA RULES

The largest number of referrals (346 or 85%) were arbitrations fully administered by the LCIA pursuant to the LCIA Rules, which is the highest number ever recorded, representing a 25% increase from 2018.

In addition, the LCIA provided mediation or other alternative dispute services in 11 cases. These mediation cases are not included in the analysis below, which focuses on arbitration cases.

As always, there are suites of cases involving similar parties or interests. In 2019, the LCIA received two groups of a particularly high number of cases. Where relevant, in the remainder of this report these suites and their potential impact on reported findings will be identified.

The first suite comprised 41 low value arbitrations in the LCIA's core industry of banking and finance, commenced by the same or related claimants against unrelated individuals as respondents. The second large group of cases comprised 32 arbitrations of a less homogenous nature, involving the same claimant and five different but related respondents, which were subsequently consolidated into five cases.

One of the 346 arbitrations arose out of an agreement referencing the LCIA-MIAC Arbitration Centre following the termination of the joint venture agreement establishing the Centre. The LCIA continues to administer arbitrations arising out of agreements referencing the LCIA-MIAC Arbitration Centre on or before 31 August 2018 pursuant to the LCIA-MIAC Rules. In light of the similarities of the rules and level of LCIA administration provided, this report will not distinguish this case from other arbitrations administered pursuant to the LCIA Rules.

OTHER REFERRALS

The LCIA was requested to act as the appointing authority pursuant to the UNCITRAL Rules in eight arbitrations, in three of which the LCIA subsequently acted as the fundholder of tribunal costs and fees (so-called Fundholding cases) by agreement between the parties and the Tribunal.

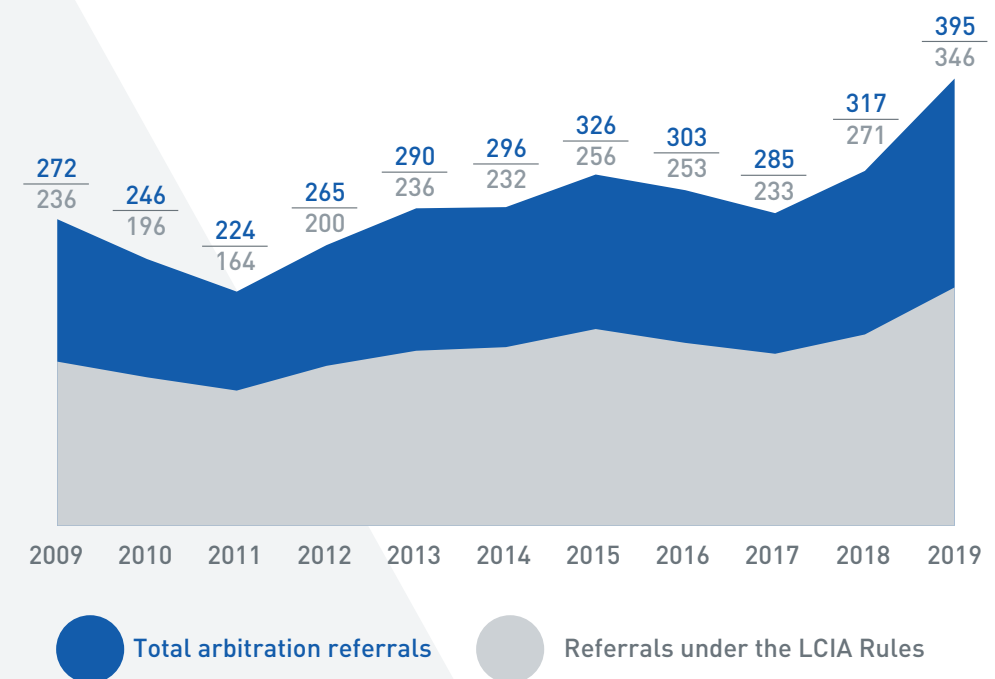
In addition, the LCIA received seven referrals pursuant to the UNCITRAL Rules where the parties agreed that the LCIA act as administrator, in some cases in addition to having acted as appointing authority. In these arbitrations, the LCIA provided full administrative services.

Furthermore, the LCIA provided fundholding services without additional involvement in 34 cases including in arbitrations pursuant to the UNCITRAL Rules, in London Maritime Arbitrators Association (LMAA) arbitrations and in other ad hoc arbitrations.

In each section, the report will provide information on arbitrations administered pursuant to the LCIA Rules, followed by information on arbitrations in which the LCIA acted as appointing authority pursuant to the UNCITRAL Rules, administered cases pursuant to the UNCITRAL Rules and Fundholding cases, to the extent that information is available.

In providing information about these additional categories of cases, it should be noted that the services provided by the LCIA in these cases are not necessarily comparable with services rendered in LCIA arbitrations, and the level of involvement may differ. These differences also affect the terminology (such as the use of "nomination" versus "appointment" of arbitrators pursuant to the LCIA Rules, which has no equivalence in the UNCITRAL Rules). In addition, and related thereto, the LCIA holds less information about the UNCITRAL appointment arbitrations and Fundholding cases. This report therefore provides as much information as possible, and where relevant, identifies dissimilarities where these may affect the interpretation of data contained in the report.

In addition to the arbitration referrals, the LCIA also received a total of eight requests for mediation and a further three requests for adjudication. Information about these referrals is provided at the end of the report.



The above chart shows the increase of arbitration referrals to the LCIA over the last 10 years, leading to an increase up to 395 cases in 2019.

INDUSTRY SECTORS AND AGREEMENTS

When recording industry sectors and agreements, the LCIA endeavours to find the most appropriate classification to help identify the particular expertise needed for the selection of arbitrators. Accurate classification also has an important role in recording the types of cases the LCIA is administering and the agreements from which they result.

For the purposes of this report, the cases are categorised by the dominant sector, that is, the sector that is most representative of the case, even though in practice disputes frequently relate to overlapping sectors.

Similarly, the agreements giving rise to disputes are seldom one-dimensional. For the purposes of this report, agreements are recorded on the basis of the dominant characteristic.

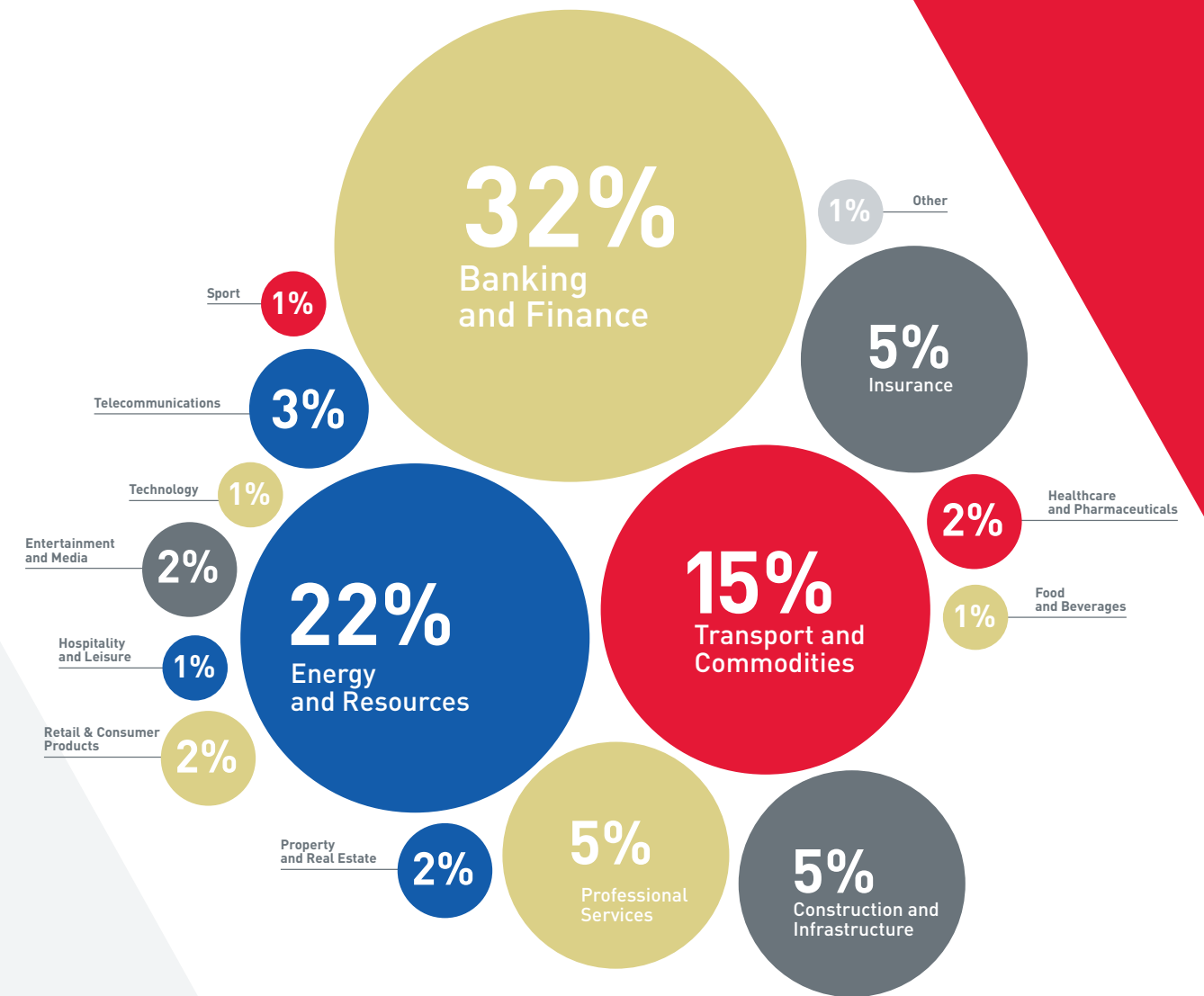
INDUSTRY SECTORS

Disputes in the banking and finance, energy and resources, and transport and commodities sectors once again dominated the LCIA's caseload pursuant to the LCIA Rules in 2019 – between them representing 69% of all cases.

The number of arbitrations in the banking and finance sector continued to grow, now representing 32% of cases administered pursuant to the LCIA Rules (up from 29% in 2018), cementing the LCIA's position as a leading dispute resolution service provider in this sector. The suite of 41 low value arbitrations are included in the 32% of arbitrations in the banking and finance sector, which remains dominant even without counting these cases.

Energy and resources cases also increased from 19% of arbitrations in 2018 to 22% in 2019, while the percentage of construction cases showed a drop from 10% to 5%.

Similar to the previous two years, the industry sectors of the claimants and respondents tended to mirror those sectors of the disputes as a whole. The energy and resources sector had the highest number of parties, both as claimants and as respondents. The banking and finance sector continued to show a greater prevalence of claimants from these sectors (22% of claimants), compared with respondents (6% of respondents). In so far as individuals participated in arbitrations, they acted more frequently as respondents (16%) than as claimants (3%); numbers are impacted by the suite of 41 low value cases involving individuals as respondents.



The cases that the LCIA administered pursuant to the UNCITRAL Rules involved a mixture of sectors, including energy and resources, retail and consumer products, professional services, entertainment and media, and transport and commodities.

In arbitrations where the LCIA acted as the appointing authority, the disputes related to professional services and energy and resources.

Industry Sectors	Administered UNCITRAL Arbitrations	Appointment Arbitrations
Energy & Resources	3	3
Entertainment & Media	1	0
Professional Services	0	5
Retail & Consumer Products	2	0
Transport and Commodities	1	0

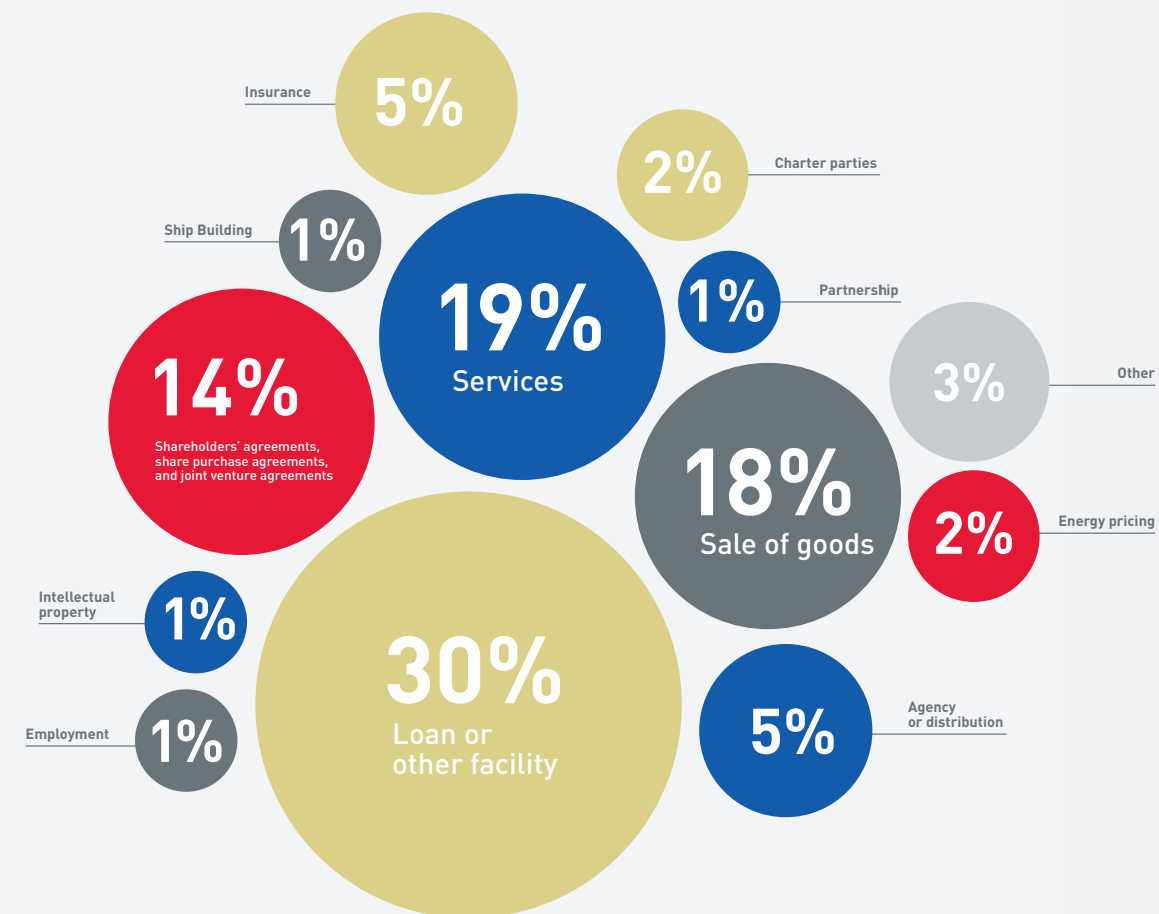
AGREEMENT TYPES

The four most common agreement types seen in arbitrations administered pursuant to the LCIA Rules in 2019 were: (i) loan or other facility agreements making up 30% of agreements, (ii) services agreements reflecting 19% of all agreements, (iii) sales of goods agreements representing 18% of agreements, and (iv) shareholders' agreements, share purchase agreements and joint venture agreements making up 14% of agreements.

The percentage of loan or facility agreements rose significantly in 2019 (by 9%) compared with 2018. The 41 low value cases arose out of loan agreements which accounted for 38% of all loan or other facility agreements. Nevertheless, even without taking into account these cases, the number of cases involving loan or other facility agreements remains high.

Conversely, the number of shareholders' agreements, share purchase agreements and joint venture agreements dropped from 21% in 2018 to 14% in 2019.

Disputes relating to service agreements and sale of goods agreements remained steady, while there was a slight increase in disputes arising from agency and distribution agreements, energy pricing, and insurance agreements.



The most common type of agreements seen in arbitrations administered pursuant to the UNCITRAL Rules were shareholders' agreements, share purchase agreements and joint venture agreements, followed by agency and distribution agreements.

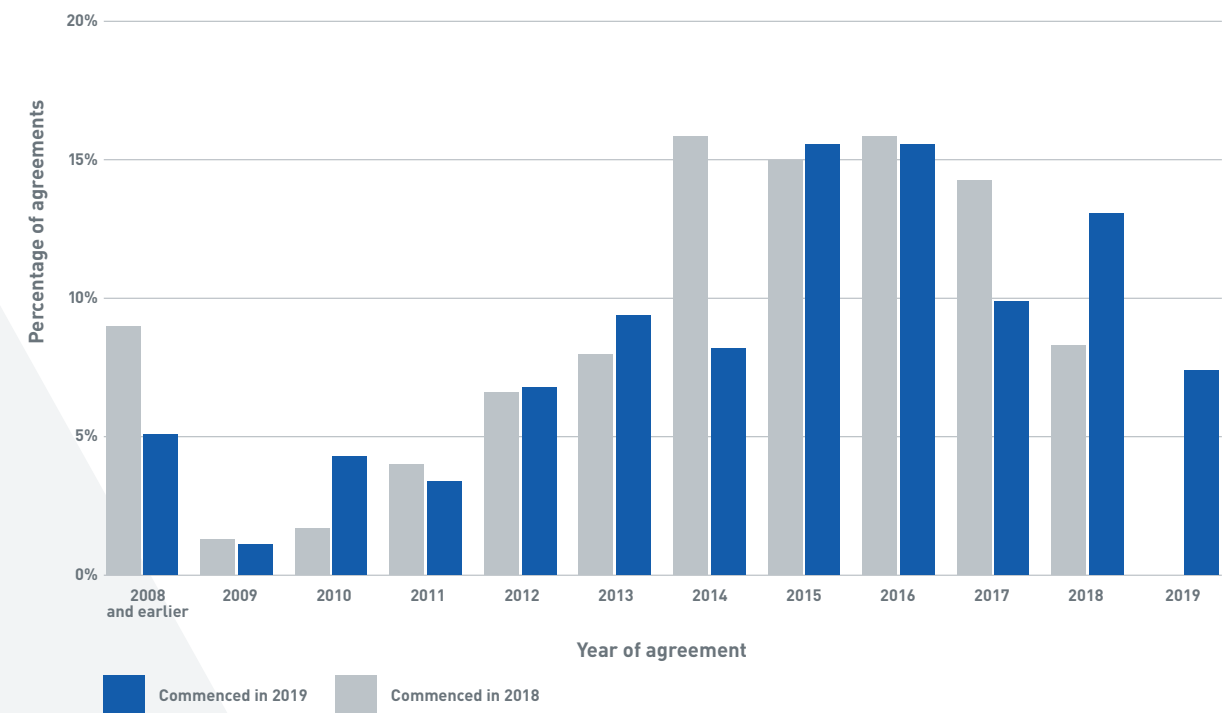
In cases where the LCIA acted as the appointing authority, services agreements were the most common type of agreement.

Agreement Types	Administered UNCITRAL Arbitrations	Appointment Arbitrations
Agency/Distribution	2	0
Employment	0	1
Sale of Goods	1	1
Services	0	5
Shareholders'/Share Purchase/Joint Venture	4	1

AGREEMENT DATES

To assess the potential impact of external developments on the make-up of the caseload, it is useful to consider the time lag between the date of the agreements out of which disputes arise and when disputes are referred to the LCIA.

The agreement dates for cases referred to the LCIA in 2019 are shown in the chart below. Of the 352 agreements under which disputes arose leading to the initiation of LCIA arbitration in 2019, 62% were entered into between 2015 and 2019. By comparison, 70% were entered into between 2014 and 2018 for LCIA arbitrations initiated in 2018. These numbers show a modest increase in the number claims having a basis in older agreements.



The date of the agreements out of which dispute arose leading to arbitrations administered pursuant to the UNCITRAL Rules and appointment arbitrations were relatively evenly spread between 2008 and 2018.

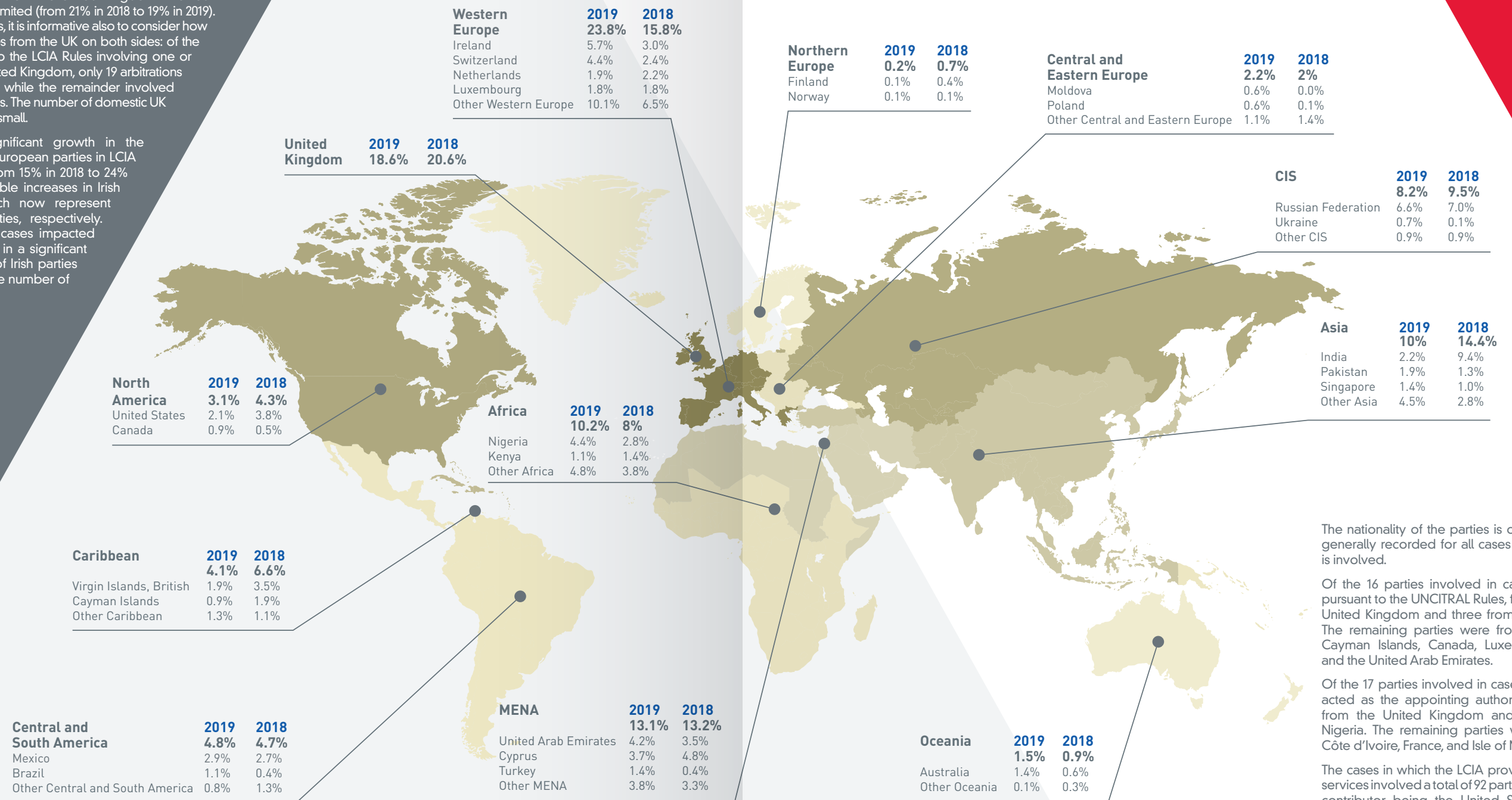
Year of Agreement	Administered UNCITRAL Arbitrations	Appointment Arbitrations
2008 and earlier	2	1
2009	1	0
2011	0	1
2012	0	2
2013	2	1
2015	0	2
2016	1	0
2018	1	1

PARTIES

The parties in arbitrations commenced pursuant to the LCIA Rules in 2019 came from 138 different countries demonstrating the continuingly diverse profile of parties choosing the LCIA.

The proportion of parties from the United Kingdom involved in LCIA arbitrations remains limited (from 21% in 2018 to 19% in 2019). In assessing these numbers, it is informative also to consider how many cases include parties from the UK on both sides: of the 104 arbitrations pursuant to the LCIA Rules involving one or more parties from the United Kingdom, only 19 arbitrations involved only UK parties, while the remainder involved parties of other nationalities. The number of domestic UK cases thus remained very small.

There has been a significant growth in the percentage of Western European parties in LCIA arbitrations, increasing from 15% in 2018 to 24% in 2019. There were notable increases in Irish and Swiss parties which now represent 6% and 4% of all parties, respectively. The two large suites of cases impacted these numbers, resulting in a significant increase in the number of Irish parties and, to a lesser extent, the number of Nigerian parties.



The nationality of the parties is one of the aspects generally recorded for all cases in which the LCIA is involved.

Of the 16 parties involved in cases administered pursuant to the UNCITRAL Rules, four were from the United Kingdom and three from The Netherlands. The remaining parties were from Qatar, Greece, Cayman Islands, Canada, Luxembourg, Morocco, and the United Arab Emirates.

Of the 17 parties involved in cases where the LCIA acted as the appointing authority only, six were from the United Kingdom and four were from Nigeria. The remaining parties were from Russia, Côte d'Ivoire, France, and Isle of Man.

The cases in which the LCIA provided fundholding services involved a total of 92 parties, with the largest contributor being the United States (17 parties), followed by the United Kingdom (11 parties), and Ireland (9 parties). The remainder of the parties came from 31 different countries, including but not limited to Bermuda, Cayman Islands, France, Egypt, Italy, Malta, Thailand, Tanzania and Zambia

RELIEF SOUGHT

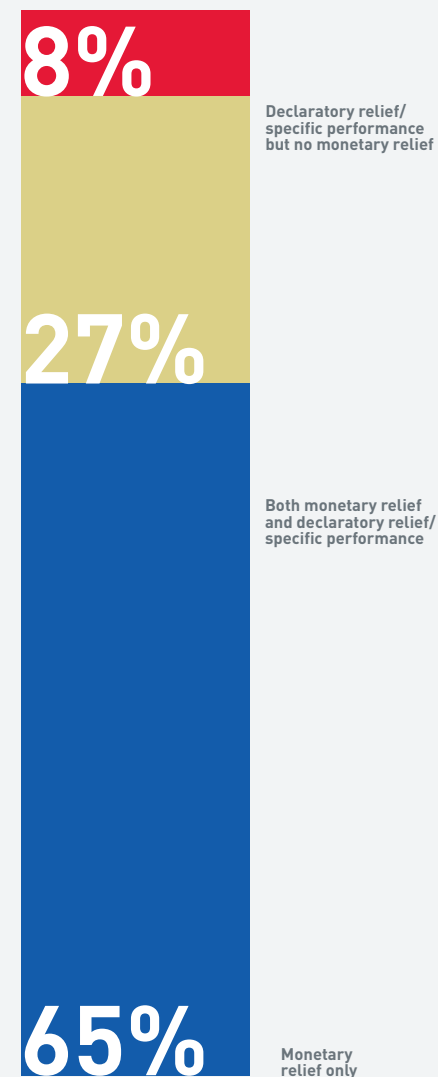
This section looks at the relief sought in Requests for Arbitration pursuant to the LCIA Rules as they are filed. Two significant caveats are in order. First, claims are often subject to subsequent amendment and additional quantification and these changes are not captured by this report. Furthermore, the LCIA's hourly rate-based system, which is in large part driven by the complexity or significance of a case, provides less incentive to quantify claims in comparison with institutions charging on an ad valorem basis.

In 2019, monetary relief was the sole relief sought by claimants in 65% of Requests for Arbitration pursuant to the LCIA Rules, whereas in 27% of Requests claimants sought both monetary relief and declaratory relief and/or specific performance. In the remaining 8% of requests, declaratory relief and/or specific performance was the sole relief sought by claimants.

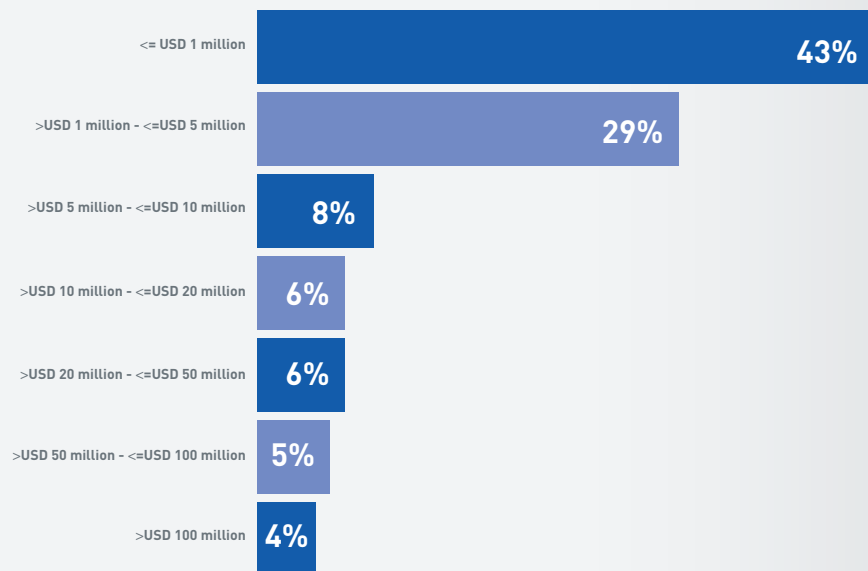
In 28% of LCIA arbitrations where the claims were quantified in the Request for Arbitration, the sum claimed was between 1 and 5 million USD. In 20% of those cases where the claims were quantified, the sum claimed was between 5 and 50 million USD. In 9% of cases where the claims were quantified in the Request, the amount claimed was over 50 million USD.

There has been a considerable increase in the number of low value cases in 2019. This is in large part attributable to the suites of cases received in 2019.

Type of relief sought



Quantified claims in Requests for Arbitration



The majority of claimants in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules sought both monetary relief and declaratory relief or specific performance in the Notice of Arbitration, whereas less than a third of claimants sought monetary relief only. The sums claimed in the majority of arbitrations administered pursuant to the UNCITRAL Rules were 5 million USD or less, in one case the amount claimed was between 5 and 10 million USD and in one case the amount claimed was between 20 and 50 million USD.

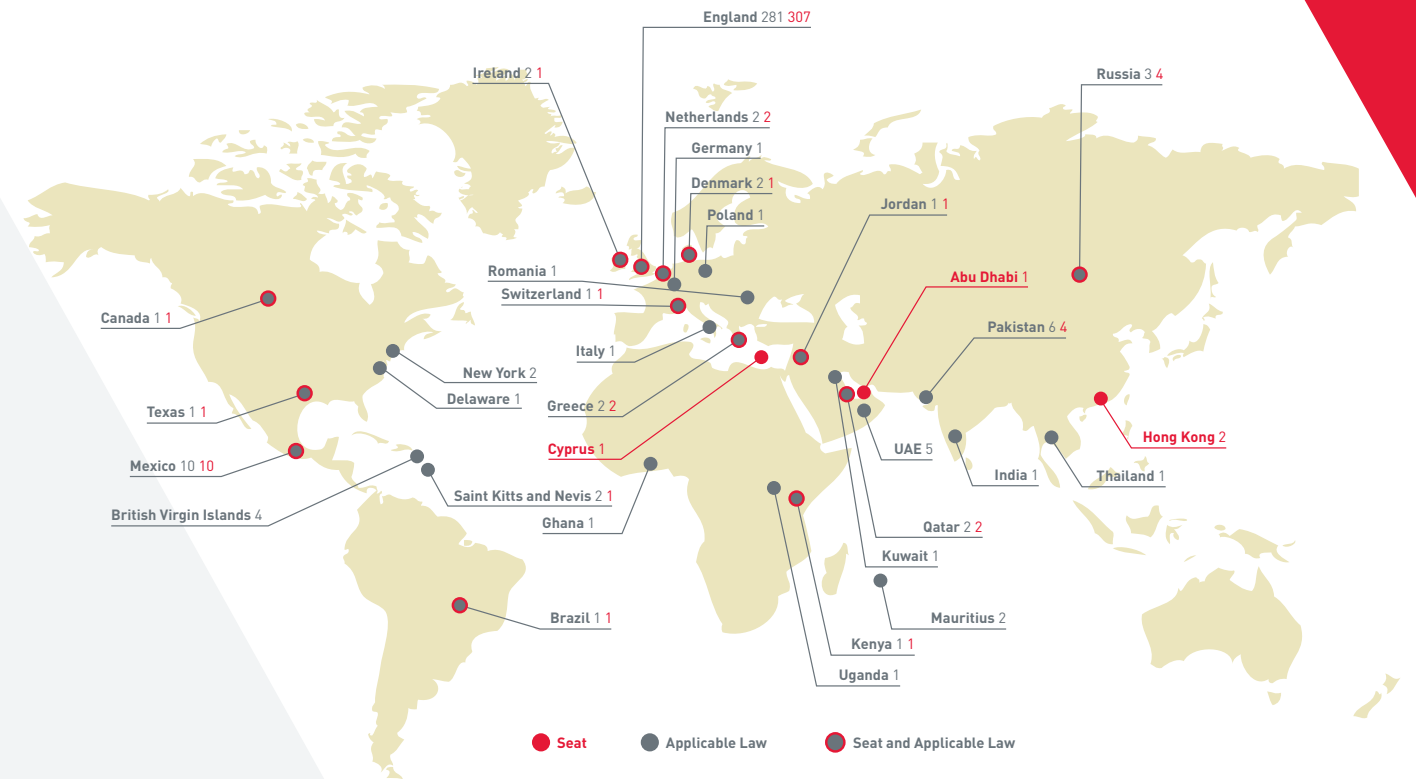
In most of the arbitrations where the LCIA acted as appointing authority, monetary relief was the only relief sought. The sums claimed were 1 million USD or less in half of the arbitrations. In one case the sum claimed was between 5 and 10 million USD, in one case the sum claimed was between 50 and 100 million USD and in one case the amount claimed was over 100m USD.

SEAT AND APPLICABLE LAW

2019 saw a continuation of a wider range of seats and applicable laws. Notably, the increase in the number of different seats and applicable laws was not generally concomitant, demonstrating a willingness of parties to "mix and match" their choice of law and seat.

England remained the most frequently chosen arbitral seat (89%), reflecting the primacy of London as preferred seat of arbitration. English law remained the most frequently chosen law, governing 81% of arbitrations administered pursuant to the LCIA Rules. The preference for English law reflects the importance of English law in international trade in general and in particular in some of the sectors well represented in the LCIA's caseload, notably banking and finance.

2019 saw a rise in the number of disputes governed by Mexican law (3% in 2019) and a concomitant rise in the number of disputes seated in Mexico (also 3%).



In arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, English law was the most frequently adopted and England the most frequent seat. In two of the arbitrations administered pursuant to the UNCITRAL Rules, the governing law was Dutch law. Other seats in this category included France (2) and Mauritius (1).

Of the eight cases where the LCIA acted as the appointing authority, five cases involved disputes governed by English law, with the remaining cases governed by Zambian, French and Nigerian law. Six arbitrations were seated in England, with one in France and one in Zambia.

The LCIA does not hold comprehensive data on the seat and governing law in cases where the LCIA is acting as fundholder. Nevertheless, in so far as the LCIA has records these show that English law and England as seat are the predominant choices. Other choices of law in Fundholding cases included the law of Zambia, New York, California, UAE, Rwanda, South Australia, Egypt, Tanzania, Trinidad and Tobago, and Germany. The seats were also varied and included South Africa, Kosovo, France, California, Oman, DIFC, Trinidad and Tobago and Tanzania.

ARBITRATOR APPOINTMENTS

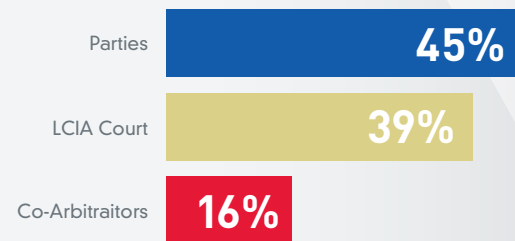
As part of the LCIA's drive to for optimal transparency, from this year onwards the report will provide details on appointments in arbitrations administered pursuant to the LCIA Rules, separately from other cases, departing from the approach in previous reports which considered appointments in all cases collectively. While this change means that data in the following sections related to arbitrator appointments cannot be compared like-for-like with earlier reports, the additional and segregated data in particular in relation to UNCITRAL cases allows more accurate and detailed comparison going forward. It is also noted that the impact of this change is limited due to the limited number of UNCITRAL cases included in the dataset.

In 2019, the LCIA Court made a total of 566 appointments of 306 different arbitrators in arbitrations administered pursuant to the LCIA Rules, including one appointment of an emergency arbitrator.

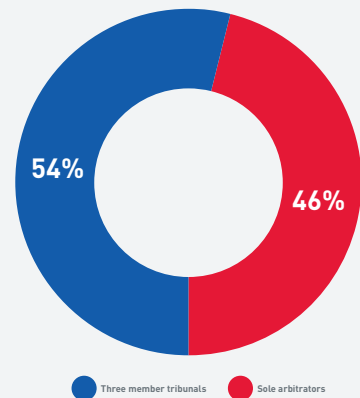
Three-member tribunals determined the dispute in 54% of arbitrations pursuant to the LCIA Rules, and sole arbitrators determined the dispute in 46% of arbitrations. While the slight preponderance of three-member tribunals is notable given the fact that the significant suite of low-value cases involved sole arbitrator tribunals, the overall pattern is consistent with the long-term relatively even split between three-member tribunals and sole arbitrators.

The 566 appointments made by the LCIA Court includes six replacement sole arbitrators and eight replacement arbitrators to three-member Tribunals, as well as two appointments to a three-member tribunal (where the chair was subsequently appointed in 2020).

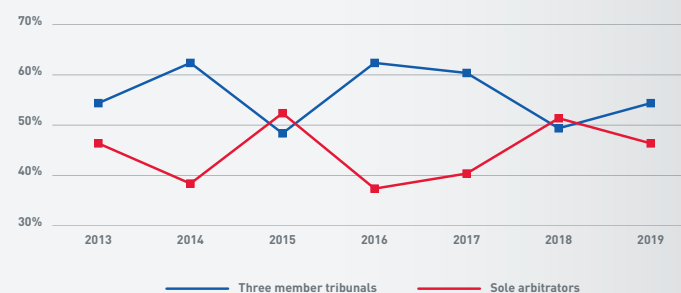
Arbitrator selection 2019



Three member tribunals vs sole arbitrators 2019



Three member tribunals vs sole arbitrators 2013 - 2019



The LCIA holds less information on the selection of arbitrators in UNCITRAL arbitrations and Fundholding cases. In addition, the process and terminology and the stage and level of involvement of the LCIA differs in these cases.

Pursuant to the LCIA Rules, parties and co-arbitrators may (and often do) nominate their own arbitrator, while formal appointment by the LCIA Court is contingent on the Court's approval and in particular subject to a review of a candidate's independence and impartiality. In arbitrations pursuant to the UNCITRAL Rules arbitrators are "appointed" by the parties and the co-arbitrators in accordance with the procedure pursuant to the Rules, without the review by the LCIA Court.

In arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, three three-member Tribunals were appointed in 2019 by the parties and the co-arbitrators in accordance with the UNCITRAL Rules. In 2019, the LCIA Court was requested and proceeded to appoint the sole arbitrator in two arbitrations administered by the LCIA. In one of these cases, the sole arbitrator was appointed in accordance with the list procedure provided for in the UNCITRAL Rules and the other in accordance with a list procedure agreed by the parties.

In cases where the LCIA acted as the appointing authority only, the LCIA Court made four appointments of sole arbitrators in 2019. Three of those sole arbitrators were appointed on the basis of the list procedure provided for in the UNCITRAL Rules and one was appointed in accordance with the mechanism provided for in the relevant arbitration agreement.

In Fundholding cases (excluding the three cases which began as appointment-only cases), the LCIA was informed of 78 appointments of 63 different arbitrators, and three appointments of an adjudicator. Three-member tribunals determined the dispute in 74% of the cases, sole arbitrators determined the dispute in 23% of the cases and in one case a two-member tribunal determined the dispute.

ARBITRATOR NATIONALITIES

The LCIA once again appointed a diverse range of arbitrators in 2019, with arbitrators from 40 different countries, an increase from 34 in 2018. The proportion of appointments of British arbitrators dropped significantly from 65% in 2018 to 51% in 2019, reflecting the diversity of the LCIA's caseload and the LCIA Court's efforts in appointing diverse tribunals. A substantial number of arbitrators were drawn from the United States, Canada, Australia and Mexico (where there has been a concomitant rise in the number of arbitrations involving agreements governed by Mexican law and seated in Mexico).

The nationality of the arbitrators appointed varied significantly according to the method of their selection. The LCIA Court selected non-British arbitrators 65% of the time, compared to the parties and the co-arbitrators, who selected non-British arbitrators 51% and 34% of the time, respectively.



Three out of 11 appointments made in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules were of British arbitrators, with the remainder from seven different countries as shown in the chart below.

Three of the four appointments made by the LCIA Court acting as the appointing authority were of British arbitrators.

While the LCIA does not have a role in the selection of the arbitrators in Fundholding cases, the following chart provides the information held by the LCIA about the nationalities of the arbitrators appointed, showing that 60% of the 81 appointments of arbitrators known to the LCIA in Fundholding cases were of British arbitrators, with the remainder from 16 different countries.

GENDER DIVERSITY

The LCIA continues to be a leader in gender diversity, with 2019 seeing a further increase in the overall number of female arbitrator appointments in LCIA arbitrations (162 out of 566) – representing 29% of all arbitrator appointments, compared with 23% in 2018.

Significantly, the LCIA also continues to be the main driver for gender diversity in LCIA arbitrations, with 48% of all arbitrators selected by the LCIA Court being female appointees (up by 5% from 2018 and 16% from 2017).

While the proportion of female arbitrators selected by parties and co-arbitrators significantly lags behind the selection of female arbitrators by the LCIA Court, both increased in 2019, from 6% to 12% and from 23% to 30%, respectively.

In arbitrations administered by the LCIA pursuant to the UNCITRAL Rules, five out of 11 appointments (made by the parties, co-arbitrators and LCIA Court) were of female arbitrators. One of these five appointments of female arbitrators was made by the LCIA Court pursuant to the UNCITRAL list procedure, a party made one appointment, and the co-arbitrators made three appointments.

In the three out of four cases where the LCIA acted as the appointing authority and a list procedure was used, the LCIA Court ensured that the lists sent to the parties included male and female candidates. In the event, four appointments of three different arbitrators were made all of whom were male.

In Fundholding cases, where the LCIA has no involvement in the selection of arbitrators, only 8.6% of appointments were of female arbitrators.

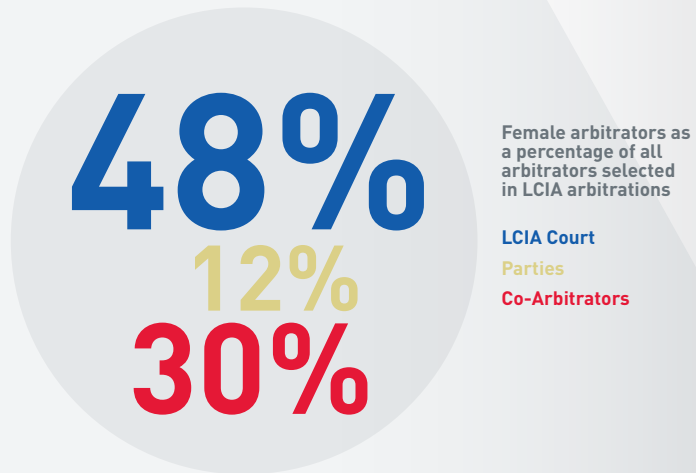
FIRST-TIME APPOINTEES

Of the appointments made in arbitrations pursuant to the LCIA Rules in 2019, 19% (105 of 566) were of candidates not previously appointed by the LCIA Court, up from 14% in 2018. Where first-time appointments were made, the parties selected the arbitrator in 51% of cases, the LCIA Court selected the arbitrator in 31% of cases, and the co-arbitrators selected the arbitrator in 17% of cases.

The LCIA Court, parties and co-arbitrators have all selected more arbitrators who had not previously been appointed in the relevant year, with 15% (up from 9% in 2018), 21% (up from 19% in 2018) and 19% (up from 9% in 2018), respectively.

Proportionately, the LCIA's figures for appointing first-time arbitrators are lower than that of the parties, reflecting the fact that the LCIA Court selects three times as many sole arbitrators and five times as many chairs as the parties select, roles for which prior experience of LCIA arbitration is typically required.

Given the differences in the appointment process in UNCITRAL arbitrations and that the LCIA is only aware of UNCITRAL arbitrations that it administers, it is not possible to provide comparable first-time appointment statistics in UNCITRAL arbitrations or Fundholding cases.



REPEAT APPOINTMENTS

60% of all arbitrators appointed in LCIA arbitrations in 2019 were only appointed once during the same calendar year. 23% of arbitrators were appointed twice, and 8% of arbitrators three times.

The remaining small percentage of arbitrators were appointed more frequently, which in large part is due to appointments in related cases, where in many instances the cases were subsequently consolidated.

The average number of appointments per arbitrator was one regardless of gender.

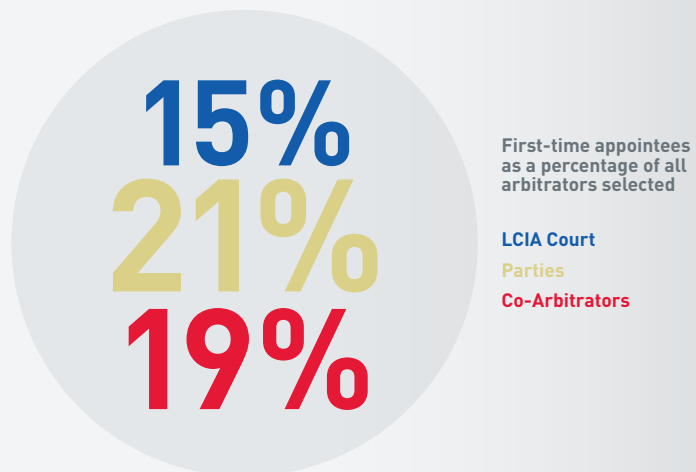
When it comes to appointments, in preparing lists of candidates for the LCIA Court, the secretariat is mindful of how many ongoing appointments an arbitrator has, as well as how many times the candidate has been appointed in the last 12 months. The LCIA will only select the same arbitrator if the circumstances call for the arbitrator being appointed again, such as the parties' indication that they want the same Tribunal as in an earlier arbitration or in Emergency Arbitrator appointments. Furthermore, the high number of repeat appointments were as a result of nominations made by the parties or co-arbitrators.

TRIBUNAL SECRETARIES

In 2019, tribunal secretaries were appointed in 27 arbitrations conducted pursuant to the LCIA Rules, of which 16 were male and 11 were female.

Seven of the secretaries were appointed in arbitrations with sole arbitrators, while 20 of the secretaries were appointed to assist three-member tribunals.

As with arbitrators, the tribunal secretaries hailed from a number of different countries, including nationals of France, Australia, Singapore, Mexico, UK, Switzerland, the United States, India, Finland, Germany and Ireland.



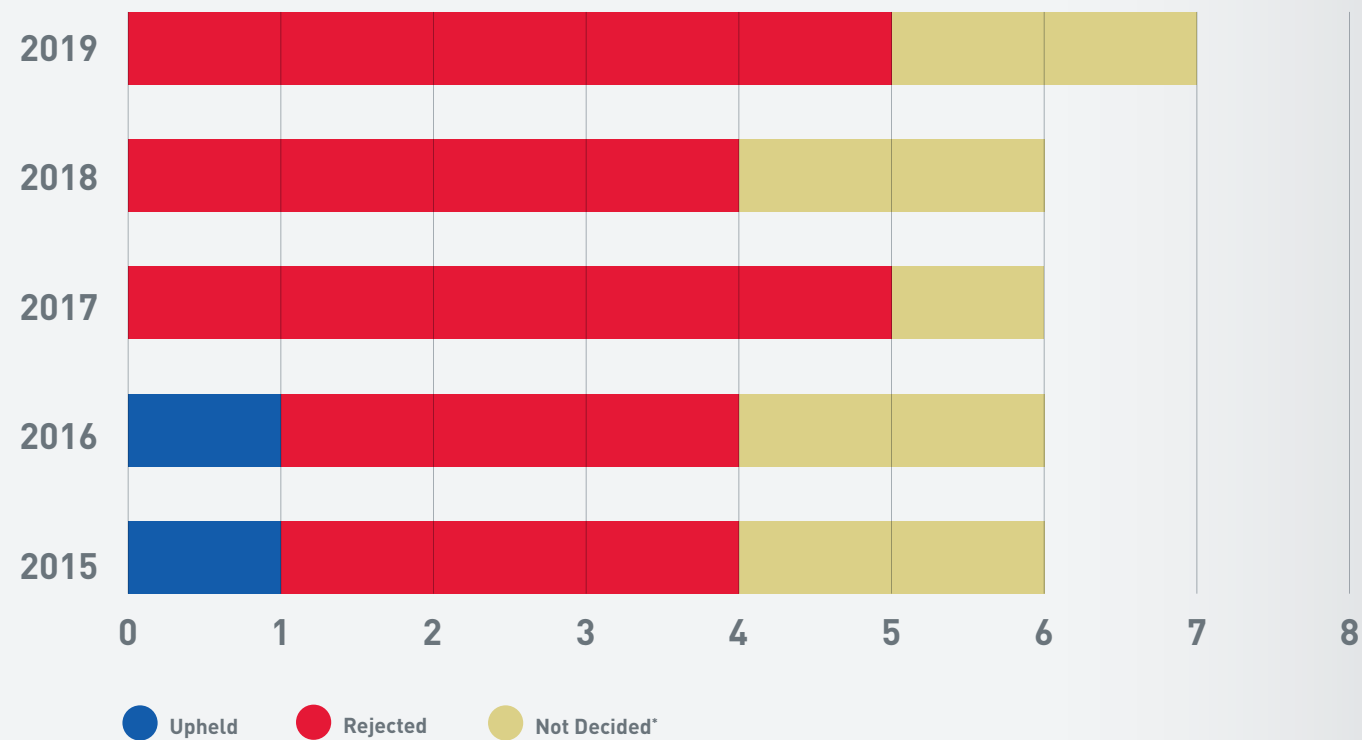
CHALLENGES

The number of challenges to arbitrators continued to remain low in 2019, with even fewer successful challenges. In LCIA arbitrations, seven challenges were made, of which five were rejected and two remain pending as at the end of 2019. Proportionally there is a drop in the total number of challenges compared to the number of new cases commenced in 2019 – there were seven challenges and 346 new cases commenced in 2019, whereas in 2018 there were six challenges and 233 new arbitrations.

The number of challenges in each year over the last five years as a percentage of arbitrations commenced that year is 2%, further demonstrating the paucity of challenges in LCIA cases.

In addition to formal challenges pursuant to Article 10 of the LCIA Rules once an arbitrator has been appointed, objections on the basis of pre-appointment disclosure were made in relation to 10 cases. In 2019, the LCIA Court proceeded with the appointment in four of those cases.

The outcomes of pending challenges in previous years have been updated in the below chart.



* This includes cases where the challenge was withdrawn, the arbitrator resigned, the parties agreed to the replacement of the arbitrator and challenges which remained pending as at the end of 2019.

Where the LCIA Court is the designated appointing authority in an arbitration pursuant to the UNCITRAL Rules, the LCIA Court will decide the challenge. In 2019, the LCIA Court decided challenges of two party-appointed arbitrators pursuant to the UNCITRAL Rules, both of which were rejected.

MULTI-PARTY AND MULTI-AGREEMENT ARBITRATIONS

The LCIA will be reporting on multi-agreement arbitrations differently from this year onwards. In previous years, an arbitration involving multiple agreements was counted as a multi-agreement arbitration regardless of the nature of the agreements.

From this year onwards, separate arbitration agreements or agreements having the effect of creating arbitral jurisdiction will be discounted, as well as minor agreements related to the main agreement. On this basis 2% of cases commenced pursuant to the LCIA Rules in 2019 involved disputes arising under more than one agreement.

None of the arbitrations administered pursuant to the UNCITRAL Rules and the appointment only arbitrations were multi-agreement arbitrations.

In 2019, 22% of arbitrations commenced pursuant to the LCIA Rules involved more than two parties, and 1% of arbitrations involved ten or more parties. There has been a drop in the percentage of multiparty arbitrations, when compared with 2018 where 29% of arbitrations involved more than two parties and 2% involved ten or more parties.

Two out of seven arbitrations administered pursuant to the UNCITRAL Rules and one arbitration where the LCIA acted as the appointing authority involved more than two parties. 13 arbitrations where the LCIA acted as fundholder involved more than two parties.

As this section of the report looks at a snapshot of the arbitration as it was commenced, it does not take into account arbitrations which have subsequently been consolidated or arbitrations where a third party has been joined subsequent to the Request and are now multi-agreement/multi-party arbitrations.

JOINDER

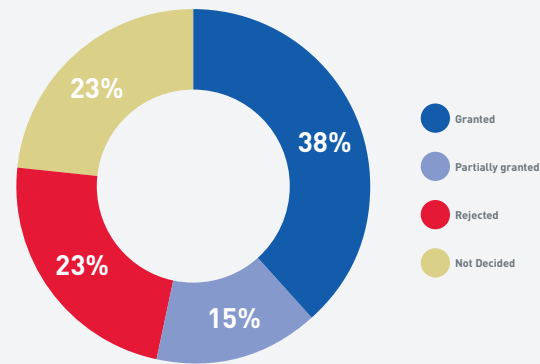
In 2019, 13 applications were made for the joinder of a third party in LCIA arbitrations. Seven applications were granted (of which two were partially granted in respect of one party, and rejected in respect of the other), three were rejected, and three were pending as at the end of 2019.

Successful applications for joinder tended to be made in arbitrations where:

- a) the efficacy of relief sought in the final award depended on the third party being bound;
- b) the joinder was necessary and desirable for the efficient management of the arbitration; and/or
- c) the rights or obligations of the third party would potentially be impacted by the outcome of the arbitration.

The number of joinder applications made by parties in 2019 is lower than in 2018 (24), but is more in line with previous years.

Applications for joinder



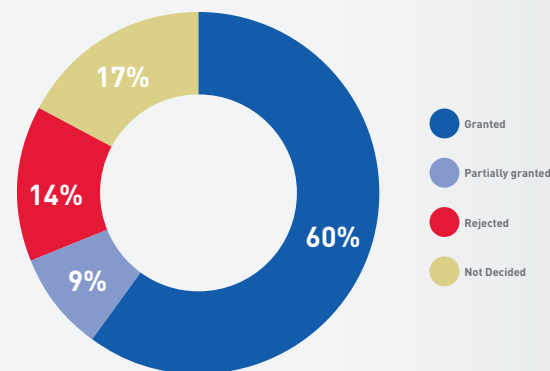
One application was made for a joinder in an arbitration administered by the LCIA pursuant to the UNCITRAL Rules, which was rejected.

CONSOLIDATION

In 2019, 35 applications for consolidation were made in arbitrations administered pursuant to the LCIA Rules, of which 24 were granted (of which three were only partially granted), five were rejected and six remain undecided as at the end of 2019. Of those applications granted, six were fully granted by the LCIA Court Article 22.6, of the Rules, two were partially granted pursuant to Article 22.6, eight were granted under Article 22.1(ix), seven were granted under Article 22.1(x), and one was partially granted pursuant to Article 22.1(x).

The number of applications for consolidation has increased by over 50% compared with 2018. 31 of the 35 applications for consolidation were made in relation to cases commenced in 2019.

Applications for consolidation

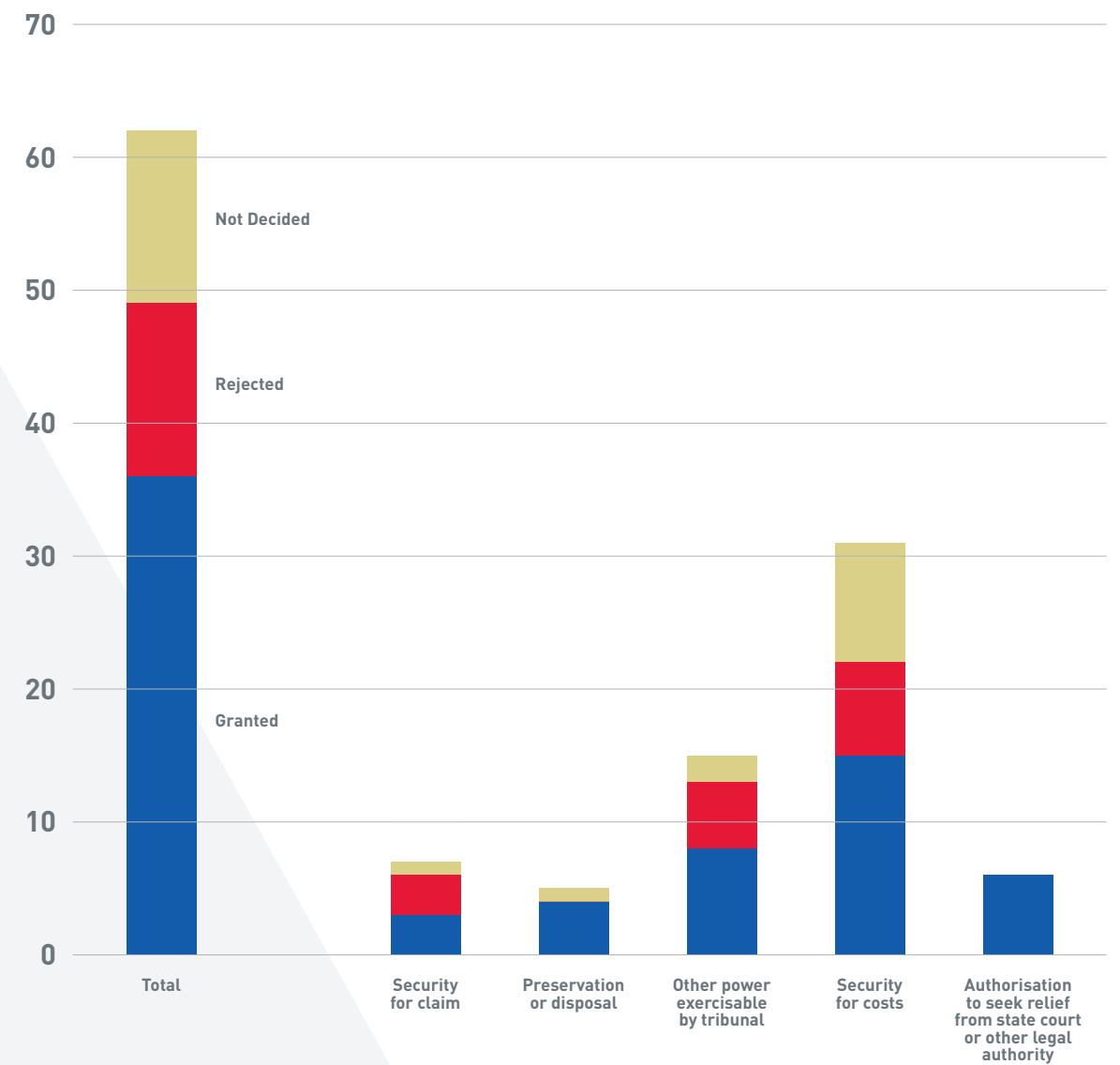


No applications for consolidation were received in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules.

INTERIM RELIEF

In 2019, 64 applications for interim and conservatory measures pursuant to Article 25 of the LCIA Rules (involving 39 arbitrations) were made. Security for costs was the most common interim relief sought by the parties.

Tribunals granted the relief in 36 instances and rejected the application in 15 instances. Applications were superseded, withdrawn or pending as at the end of 2019 in the remaining 13 cases.



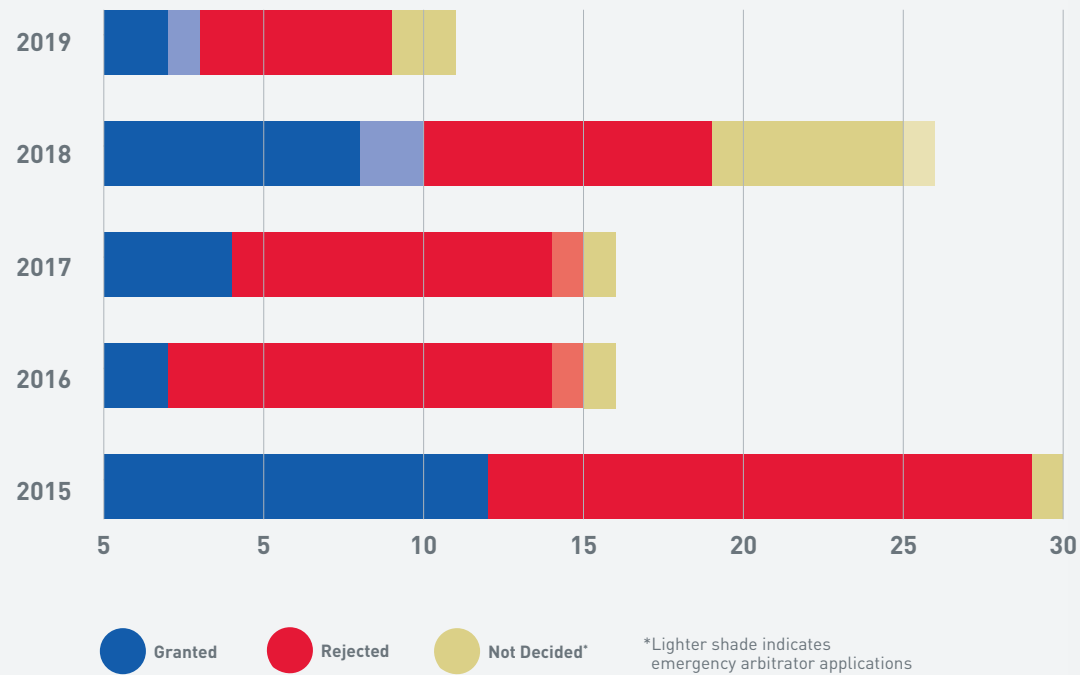
There were no applications for interim relief in arbitrations administered by the LCIA pursuant to the UNCITRAL Rules.

EXPEDITED FORMATION OF TRIBUNALS AND EMERGENCY ARBITRATOR APPOINTMENTS

In 2019, there were a total of 10 applications for expedited appointment of a tribunal pursuant to Article 9A of the LCIA Arbitration Rules (2014), less than half than in 2018 (23). Of those 10 applications, two were granted, six were rejected, and two were either superseded, withdrawn or pending as at the end of 2019.

In 2019, the LCIA received one application for the appointment of an emergency arbitrator pursuant to Article 9B of the LCIA Arbitration Rules (2014) which was granted by the LCIA Court. The Emergency Arbitrator issued an Award within 14 days following the appointment.

While expedited formation of the Tribunal and the appointment and Emergency Arbitrator are tools available for parties seeking urgent relief, the LCIA Court's prompt appointment of Tribunals and the flexibility of the procedure provided by the Rules enable parties the opportunity to address preliminary matters with the Tribunal at an early stage as well.



OTHER ADR SERVICES

The LCIA received a total of eight requests for mediation and a further three requests for adjudication. The contracts in the majority of these 11 requests were governed by English law.

The disputes concerned a wide range of industry sectors with an even spread across construction and infrastructure, energy and resources, property and real estate, retail and consumer products, and transport and shipping.

The 24 parties involved in these ADR cases were predominantly from the United Kingdom, with the remaining parties from British Virgin Islands, Switzerland, Saudi Arabia and the United States.



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