



## Arbitration at Cornerstone: What, Why and How...

### What is Arbitration?

In arbitration, an independent third party considers the legal position together with the evidence, and takes a decision that is binding on the parties.

The rules in relation to arbitration are contained in the Arbitration Act 1996 (and apply save where varied by the parties by agreement).

Any parties who agree to do so can use the arbitration process.

### Why Arbitration?

Arbitration saves considerable time and money. The result is the same as using the courts.

For a paper-based arbitration a decision can be issued within 4 weeks, with an in-person arbitration taking only a few weeks more.

The cost of the arbitration process is far lower than going through the court system

## How does the arbitration process work?

*An arbitration can be determined in person or on the papers. The choice is yours.*

### Paper-based Arbitration:

- 1) Parties sign an agreement to arbitrate
- 2) An agreed bundle is prepared and provided to the arbitrator.
- 3) The decision is provided in writing

### In Person Arbitration:

- 1) Parties sign an agreement to arbitrate
- 2) An agreed bundle is prepared and provided to the arbitrator.
- 3) Directions are agreed by the parties, or issued by the arbitrator
- 4) An oral hearing takes place, followed by a written decision. The hearing can take place virtually where agreed.

# Appointing Cornerstone's Arbitrator

## **Subject to availability, instructions will be accepted on the following basis:**

- (1) That the matter has been agreed to be submitted to arbitration, with a copy of the agreement to arbitrate being provided.
- (2) Where a paper-based arbitration is sought, that the matter is considered appropriate for determination on paper.
- (3) That the arbitrator's fees are agreed. These will vary with the complexity of the issues and the value of the dispute.
- (4) That fees are to be paid prior to the issue of the decision.

## **For a paper-based arbitration:**

- (i) all relevant documents are to be submitted in an agreed bundle, which must include a concise statement of the issue(s) to be determined and each side's submissions in relation to it.
- (ii) A decision will generally be provided in writing within 4 weeks.

## **For an arbitration not intended to proceed just on paper, but with oral submissions and/or evidence:**

- (a) all relevant documents must be submitted in an agreed bundle, which should include a concise statement of the issue(s) to be determined and each side's submissions in relation to it and draft directions, if any.
- (b) If directions are not agreed between the parties, directions will generally be issued within 4 weeks. A further or final hearing will thereafter be arranged in accordance with the directions given.
- (c) As a guide, a one day hearing will generally be held within 6 weeks of any necessary directions having been complied with and the matter being ready to proceed, with a decision being provided within 4 weeks after that.

## Example Costs

### **Paper-based Arbitration**

Based upon one file of single sided papers, involving a single issue and with a value not exceeding £200,000.

£3750 + VAT per party

### **In-person Arbitration**

Based upon one file of single sided papers, involving a single issue and with a value not exceeding £200,000, where directions are agreed by the parties.

£5750 + VAT per party

## **Our Arbitrator...**

# Steven Gasztowicz QC

Called

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Silk/QC

2009

Email:

samc@cornerstonebarristers.com

Clerk

Sam Collins

Telephone:

0207 421 1809



Steven Gasztowicz QC is a qualified arbitrator (MCI Arb). He is keen to help address the impact of COVID-19 as much as possible through the use of ADR.

Steven has been Queen's Counsel since 2009. He has had experience of most fields of law at some time and is aware that many areas inter-connect. His main practice areas are contract/commercial law, property, and planning.

He is used to acting independently and has judicial training as a part time judge, both in the High Court (where he is a deputy High Court Judge in both the Queen's Bench and Chancery Divisions) and in the county court (as a recorder dealing with civil matters).