

CONCLUSION—THE PRAYER OF THE ARBITRATOR

I would like to conclude this book on a light note.

Being an arbitrator is a fascinating and rewarding experience. Undoubtedly, however, there are situations which every arbitrator would prefer to avoid.

I, for myself, have been in such situations. In this respect I think that God, in His infinite wisdom, and though certainly busy on more pressing issues, may want to occasionally lend a sympathetic ear to a Prayer of the Arbitrator. I have tried to draft such Prayer only for myself, based on my personal need to avoid the unpleasant experiences which have actually happened to me. Others may tailor the Prayer to their specific needs, if they are believers.

The Prayer of the Arbitrator

O Lord,

I make this prayer on my own behalf, but I unite myself with many individual arbitrators throughout the world who may find themselves in similar situations;

May I never again meet a President appointed by a national court in an ad hoc arbitration, who, as soon as he meets me as party-appointed arbitrator, kisses me on both cheeks and at the same time announces to me that he had designated his son-in-law as Secretary to the arbitral tribunal;

May I never again meet a co-arbitrator who looks for any opportunity to convince me, separately, about the excellence of the arguments of the party that appointed him, including ambushing me in the men's room and talking to me while we were both busy with other more trivial activities or washing our hands;

May I never again meet a co-arbitrator who requests three day-long deliberation meetings, during which he extracts from the co-arbitrators all concessions he could possibly extract regarding the text of the award, leading them to believe that unanimity was reached, only to send a dissenting opinion the day following the last deliberation meeting;

May I never again meet a President who, at the Case Management Conference, announces that he has already fully understood the case, one of the parties being the "clear winner" – no need for our contribution as co-arbitrators then – so that he may proceed straight away with the drafting of the award in order to save time and gain credit, in terms of increased fees, in the eyes of the arbitration institution involved;

May I never again meet a President who, after the deliberation meeting states that he will produce a draft award in three months, only to keep apologizing for a delay which in the end reaches two years;

May I never again meet a co-arbitrator who, during a deliberation meeting, vehemently opposes, in front of his co-arbitrator, the arguments I was making as President, only to call me later on in my room and tell me "on a private basis" that he had to do so because of his relationship with the party that appointed him, but that he actually agrees with me;

May I never again meet a party's counsel who keeps threatening that he will challenge me, as President, for violation of due process, only to subsequently whisper in my ear that he would actually never do so, as he greatly respects me;

O God, I invoke You to accept this humble Prayer!