

The 28th Goff Arbitration Lecture cum Book Launch of
"Goff Arbitration Lectures 1990-2022"

Title: International Arbitration - Can It Survive and Prosper in the Face of Incommensurable Methods of Fact Finding?

Speaker: Mr Justin Gleeson SC



Date: 14 March 2024 (Thursday)
Time: 6:00pm – 8:00pm
Format: In-person at HKIAC (seats are limited) / Online via Zoom
Registration Link: <https://forms.gle/rqLN8X6ebGtRxCcH9> **Click Here**
Registration Deadline: 7 March 2024
Language: English
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All are Welcome!



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Abstract

Sound fact finding, which remains at the core of all binding dispute resolution, has not always been recognised for its variegated nature. In international arbitration, these differences often come to the fore, and sometimes are decisive to the resolution of the case, particularly when arbitrators and/or counsel are drawn from different traditions (or even different sub-branches of the same tradition).

The limited grounds upon which international awards can be reviewed by various domestic courts at the enforcement or set aside stage usually do not allow for a close scrutiny of the fact finding methods of the tribunal at hand, nor allow for the promulgation of general norms. It thus falls to practitioners of the art, to the professional bodies and academic writers, to ask the hard questions; some of which will be explored in this lecture.

The overall goal is to identify those processes of treatment of witnesses and documents, and methods of inferential reasoning, that command serious support across different legal traditions, so as to ensure international arbitration is credible in its own right, acceptable to the particular parties (especially the loser) and ultimately something which the various domestic legal traditions can confidently respect at the enforcement or set aside stage and indeed draw from in developing their own processes.

Biography

Justin Gleeson SC is an international arbitration practitioner and barrister practising at the Australian bar.

Between 2012 and 2016 he was the Solicitor-General of the Commonwealth of Australia and advised the Government on matters of international, constitutional and public law as well as leading the Australian legal team in proceedings in the ICJ and the PCA against Japan, Timor-Leste and Phillip Morris Asia.

Domestically, Justin has appeared as leading counsel in the High Court of Australia in 110 matters.

In international arbitration, Justin has numerous appointments, as presiding, single or co-arbitrator.

Justin is a Fellow of the Australian Academy of Law, a Fellow of the Chartered Institute of Arbitrators, a Fellow of the ACICA and a member of the SIAC Panel of Arbitrators. He has published extensively as well as delivering numerous public addresses on topics of international law, arbitration and constitutional law.

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