

## KINGS CHAMBERS ARBITRATION

### Why Use Us?

#### Cost

Court litigation is expensive. With the further increase in “issue fees” much of the cost is payable before entering a Court. To commence a claim in Court which is worth £200,000 or more will require a payment of £10,000. There are also fees to be paid to the Court Service every time an application is made and when the case is set down for trial. The culture adopted by the Courts has the effect of unnecessarily increasing costs e.g. requiring mediation to be undertaken even if the parties consider there is little point just to avoid being penalised in costs. Using Kings Fixed Fee Arbitration Service frees the client from these commitments and replaces them with a single transparent fee.

Costs are up-front, transparent and fixed so you know where you stand.

#### Speed

We endeavour, save in exceptional circumstances, to provide an Award within a 90-day timescale, or sooner if parties require it, from the date of the signing of the Notice of Appointment for all cases with an estimated length of hearing of 2 days or less. The parties may agree a longer period if the case requires. Any interim applications can easily be organised without the additional hindrance or expense of issuing applications. All submissions can easily be dealt with via e-mail between the

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parties and the Arbitrator. All enquiries will be dealt with promptly by the Clerks with easy lines of communication. Having a single Arbitrator will ensure consistency throughout the process.

With our service, the parties will know at the outset that the chosen arbitrator is able to accommodate a resolution of the case within the 90 day period.

### **Private and Confidential**

Court hearings are open to the public and the press which can be damaging for the business interests and reputations of the parties. By contrast the arbitration process and hearings are private and confidential. The information and documents exchanged are confidential. The Award is confidential to the parties unless the parties agree that it can be publicised.

### **Specialists**

All our Arbitrators are specialists in their chosen field and have extensive knowledge of both litigation and arbitration. Sir Maurice Kay was Vice President in the Court of Appeal and His Honour David Gilliland was the senior Judge in the Technology and Construction court in Manchester. Three members, Paul Chaisty QC, Lesley Anderson QC and David Casement QC sit as Deputy High Court Judges in the Queens Bench and Chancery Divisions. Andrew Singer QC sits as a Recorder in the Technology & Construction Court, Michael Stephens is the former President of the Chartered Institute of Arbitrators and others sit as Recorders on Civil work. Utilising Kings Arbitration gives the parties a choice of who will decide your case rather than hoping that your case will be listed before the “right Judge”

### **Simplicity**

The whole process is simple. The lengthy and burdensome process of guiding a case through the court system is eradicated as is costs budgeting (unless the parties agree to it) and the frustrations of communicating with the Court as well as waiting for a response. Directions are inevitably issued at the outset shortly after the Letter of Appointment is signed. Most disagreements are resolved easily with the Arbitrator able to convene telephone (or oral) hearings at short notice and without application fees.

## **Certainty**

Our service provides certainty in respect of costs and timetable so your client will know when a decision will be made on their case, barring exceptional circumstances, and how much it has cost. A further advantage of arbitration is that an Award from an Arbitrator provides clients a good degree of certainty as Arbitrators' Awards can carry greater finality than Court Judgments. Under the Arbitration Act 1996 the parties can agree (if they so wish) there is no right of appeal against an Arbitrator's findings on the law. This has the benefit of providing the parties with greater certainty and reducing the costs exposure compared to court proceedings where an appeal on the facts and the law is available.

## **Binding**

An arbitration award is enforceable by the Courts in the same manner as a Judgment from the Court, with the leave of the Court. If the losing party refuses to comply with the arbitrator's award the winning party can apply to enforce the award at Court and obtain Judgment on the Award. This is usually a straightforward and inexpensive process.