

The 27th Goff Arbitration Lecture: Independence and Apparent Bias: Judicial and Arbitral Confidence: Halliburton v Chubb

by The Hon Chief Justice James Allsop AO
(Federal Court of Australia)



All are Welcome!

- Date:** 3 November 2022 (Thursday)
- Time:** 6:30pm – 7:40pm (Cocktail Reception: 7:40pm – 8:00pm)
- Format:** Online via Zoom / Face-to-Face at HKIAC (seats are limited)
- Registration Link:** <https://forms.gle/TC3Y6pdibZxEu9Dj6>
- Registration Deadline:** 26 October 2022 (Wednesday)
- Language:** English
- Enquiry:** Ms Jessica Li (Email: jessica.li.mc@cityu.edu.hk, Tel: 3442-7680)



Abstract

Independence and bias, in particular apparent bias, are central topics in considering the institutional integrity of both judicial and arbitral systems of decision-making. This is especially so in international dispute resolution, where litigants and disputants will often come from different societies, different legal systems and different cultural backgrounds. Judicial dispute resolution is the application of a form of state or governmental power by a judiciary which should be marked by independence and impartiality. The lecture will explore how the different expression and application of relevant tests may be seen to underpin such state institutionalised integrity. Arbitration, by its very nature, lacks that state or governmental character; nevertheless at its foundation for its validity and reliability arbitration must have the trust of the community it serves. Part of that confidence is the trust and confidence in the independence and impartiality of the tribunal. The lecture will explore the similarities and differences that may be seen in the approach to apparent bias in the judicial and arbitral environments; and whether more demanding requirements for disclosure strengthen or weaken overall institutional integrity of both systems.

Biography

From 1981 to 2001 Chief Justice Allsop practised at the Bar in New South Wales and elsewhere in Australia. He was appointed Senior Counsel in New South Wales in 1994 and Queen's Counsel in Western Australia in 1998.

From 7 May 2001 to 1 June 2008 he served as a Judge of the Federal Court of Australia, undertaking the roles of trial and appellate judge on a full range of Federal Court work. From 2 June 2008 to 28 February 2013, Chief Justice Allsop was President of the New South Wales Court of Appeal. He was appointed Chief Justice of the Federal Court of Australia as of 1 March 2013.

From 1981 to 2014 Chief Justice Allsop taught part-time at the University of Sydney as a tutor and lecturer in property, equity, bankruptcy, insolvency, corporate finance and maritime law. From 2015 to 2018 he taught maritime law part-time at the University of Queensland. From 2005 to 2009, he was a member of the board of World Maritime University in Malmo, Sweden. From 2008 to 2011 he was a member of the Board of the Australian Maritime College. On January 2010, he was elected as an Honorary Bencher of the Middle Temple. On 19 March 2013 he was elected a member of the American Law Institute. He is a Fellow of the Australian Academy of Law. He is President of the Francis Forbes Society for Australian Legal History. From 2018 he was appointed Inaugural Patron of the Australian Insurance Law Association. From 2019, his Honour is Chair of the ACICA Judicial Liaison Committee, a member on Asian Business Law Institute (ABU) Board of Governors representing the Australian Judiciary and a member of the Commonwealth Magistrates' and Judges' Association.

Subject to accreditation by the Law Society of Hong Kong, 1 CPD point may be available upon application.

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