



The Arbitration Foundation of Southern Africa

PANEL APPLICATION FORM

(GENERAL COMMERCIAL PANEL AND MEDIATION PANEL)

For office use only

NAME OF APPLICANT

DATE OF APPLICATION

DATE OF PROCESSING

CERTIFICATE OF APPOINTMENT ISSUED: _____

CODE OF CONDUCT SIGNED: _____

SIGNATURE OF PROCESSOR

INTRODUCTORY OBSERVATIONS

1. Please complete this form in typescript if possible.
2. The information that you supply will be entered in a database maintained by **AFSA**. In the event that your name is proposed as a mediator or arbitrator to parties to a dispute, the information that you supply will also be made available to those parties.
3. Please use the blank pages provided in this form for supplementary details.
4. Explanatory and Guidance Notes on certain of the items on which information is requested are contained in footnotes. Please consult the footnotes before completing the corresponding entries.
5. This serves only as an application to the **General Commercial Arbitration Panel** or to the **Mediation Panel**. Applicants to the specialist panels can only be made on invitation by the relevant Panel Committee to those who indicate that they have experience and an interest to serve on a certain panel.
6. A fee of R456, 00 (incl. VAT) is payable by all applicants who are members or partners of or employed by Founding Members of **AFSA**. A fee of R513, 00 (incl. VAT) is payable by all other applicants. The appropriate fee must be sent with the completed application form to:

THE ARBITRATION FOUNDATION OF SOUTHERN AFRICA

Docex 143 Randburg

P O Box 653007 Benmore 2010

1st Floor Maisels Chambers, 4 Protea Place, Sandown

APPLICATION FORM

A. GENERAL INFORMATION

1. **FAMILY NAME:** _____

2. **FIRST NAMES:** _____

3. **I.D. NUMBER:** _____

4. **TITLE:** Professor Dr. Mr. Mrs.
 Miss Ms. Other: _____

5. **ADDRESS¹:** Name of firm/company/organisation:

Postal address _____

_____ Postal code: _____

Street address _____

_____ Postal code: _____

Docex: _____ City: _____

E-mail address: _____

Telephone: (h) _____ (w) _____

Facsimile: _____ Cell: _____

6. **PRESENT POSITION**

¹ Please give the address to which you wish communications to be sent. The more comprehensive the contact details you supply the easier it would be to contact you in the event of parties requesting your services.

B. QUALIFICATIONS

7. **EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS²:** (please attach certified copies of your qualifications)

Name of institution or professional body concerned	Qualifications	Date obtained

8. **LANGUAGES³:** (List mother tongue first)

Language	Written	Spoken	Oral comprehension

9. **MEMBERSHIP OF PROFESSIONAL BODIES⁴:**

² Please state in chronological order starting with the latest qualification obtained (list all degrees, diplomas and professional body admittance qualifications)

³ List here only those languages that you are able to speak, write and have an oral comprehension of to a level of proficiency sufficient to be able to conduct mediation and arbitration proceedings, draft all related communications, agreements and awards and understand conversations, oral testimony and submissions.

⁴ List here all bodies you are a member of, the date you joined and an explanation of the acronyms.

C. INFORMATION IN SUPPORT OF YOUR APPLICATION:

10. DO YOU WISH TO BE CONSIDERED FOR APPOINTMENT AS⁵:

A MEDIATOR (if YES, please answer questions 15 & 17)

YES / NO

and/or

AN ARBITRATOR (if YES, please answer questions 16 & 18)

YES / NO

11. AREAS OF SPECIALISATION⁶:

⁵ Please indicate whether you wish to be considered for appointment as only a mediator, only as an arbitrator or both as a mediator and an arbitrator.

⁶ Please indicate those areas of law, business, commerce, engineering, arbitration, etc. in which you have a recognised speciality, proceeding from the general to the particular, as in the following examples:

Example 1: Intellectual property – patents – chemistry

Example 2: Engineering – electrical

Example 3: Banking – negotiable instruments

Example 4: Arbitration – international commercial

Descriptions of areas of specialisation may be more detailed. The objective is to give as much information as is useful to enable your particular area or areas of specialisation to be easily and precisely identified.

12. **PUBLICATIONS**⁷:

13. **EXPERIENCE IN COURT LITIGATION**⁸:

14. **EXPERIENCE IN COMMERCIAL MATTERS**⁹:

⁷ Please list chronologically all publications relevant to this application. In case of a book please state the full title, the year in which it was published and the name of the publisher. In case of contributions to journals or any other kind of publication, state the title of the article, the full name of the journal/magazine, the date of publication and the name of the publisher.

⁸ Please give details of

- (i) the capacity in which you acted (as Judge, assessor, counsel, attorney, advisor, etc.)
- (ii) the countries in which the litigation took place; and
- (iii) the main subject of the litigation you are usually involved in (for example, corporate and commercial, matrimonial, etc.)

Example: Have acted in more than 80 cases in courts of first instance and appellate courts in South Africa over the period 1986 to the present time. General commercial issues (labour law issues, matrimonial, construction and engineering, etc.) were predominantly the subject of cases.

⁹ Please give details of the professional capacity in which you have acted in the field of commerce, specifying:

- (i) the number of years of experience you have had
- (ii) the capacity in which you have been involved (for example, attorney, legal advisor, consultant, executive officer, etc.)
- (iii) the principal nature of your functions (for example, litigator, drafting commercial documents, negotiator, financial advisor, etc.)

15. **PROFESSIONAL TRAINING IN MEDIATION**¹⁰:

16. **PROFESSIONAL TRAINING IN ARBITRATION**¹¹:

17. **EXPERIENCE IN MEDIATION**¹²: *continues on next page*

¹⁰ Please indicate the training courses attended, the institution responsible for conducting the training course, the duration of the course, the date, the place and the trainer/s.

¹¹ See previous footnote

¹² Please give the details of the number of mediations you have acted in, in a professional capacity, specifying:

(i) the capacity in which you have acted (as mediator, counsel, advisor);

Experience in mediation – continued:

18. **EXPERIENCE IN ARBITRATION**¹³:

19. **DO YOU HAVE EXPERIENCE IN ANY OF THE FOLLOWING** - ¹⁴

Administrative Law _____

Advertising _____

- (ii) where applicable, the administering institution under whose auspices the mediation was conducted;
- (iii) the main subject matter (for example, construction, unfair dismissal, maritime, residential property, matrimonial, etc.) of the mediation;
- (iv) whether the mediation was national or international.

In the case of persons involved in numerous mediations, the abovementioned details need not be specified in respect of each, but may be telescoped, as in the following example:

Example: Have acted as counsel in over 30 national and international mediations and as mediator in 12 national and international mediations. The national mediations were either *ad hoc* or conducted under the auspices of AFSA, ADRASA or IMSSA. The international mediations were conducted under the auspices of the International Chamber of Commerce. The subject matter of the mediations concerned investment disputes, construction disputes, contractual disputes, labour issues, etc.

¹³ See footnote 12 and read “mediator” for “arbitrator” and “mediation/s” for “arbitration/s”.

¹⁴ Please tick those areas in which you have substantial experience in a professional capacity. Provide details, indicating the period of which the experience was accumulated and the capacity in which you acted. The areas in which you have experience do not necessarily have to coincide with your fields of speciality (for example, you may have practised as an engineer, your field of specialisation being high voltage electrification, but you have experience as community mediator or labour arbitrator).

Agriculture	_____
Arbitration	_____
Aviation	_____
Banking	_____
Community	_____
Companies	_____
Constitutional Law	_____
Construction & Engineering	_____
Consumer Protection	_____
Criminal Law	_____
Defamation	_____
Defence	_____
Delictual Matters	_____
Dispute Systems Design	_____
Education	_____
Elections	_____
Entertainment	_____
Environmental Law	_____
Estates	_____
Exchange Control	_____
Facilitation	_____
Family Law	_____
Financial Institutions	_____
Fisheries	_____
Franchise	_____
General Commercial	_____
Government (national & local)	_____
Housing	_____
Hospitality Industry	_____
Human Rights	_____
Indigenous Law	_____
Information Technology	_____

Insolvency	_____
Insurance	_____
Intellectual Property	_____
International Trade	_____
Labour	_____
Maritime	_____
Matrimonial	_____
Media	_____
Mediation	_____
Medical Malpractice	_____
Motor vehicles	_____
Negotiable Instruments	_____
Neutral Chairing	_____
Other dispute resolution	_____
Para-statals	_____
Personal injury	_____
Police	_____
Privacy	_____
Property	_____
Public Service	_____
Relationship Building	_____
Roads	_____
Sports	_____
Stock Exchange	_____
Tax	_____
Tourism	_____
Trademarks	_____
Training	_____
Transport	_____
Trusts	_____
Unlawful Competition	_____
Valuations	_____

Water, Mines, Minerals _____
Other (please specify) _____

20. **FEES¹⁵: (as on date of application)**

Commercial:
 What is your daily fee? _____
 What is your hourly fee? _____

Labour:
 What is your daily fee? _____
 What is your hourly fee? _____

Comments: _____

21. **APPLICATION¹⁶:**

My cheque/other form of payment _____
for R_____ is enclosed.

I apply for membership of the General Commercial Panel and/or Mediation Panel of AFSA on the basis of the foregoing information.

¹⁵ It is necessary that you do indicate in which fee category you fall. Please note that a daily fee is for a 6 (six)-hour working day. Please indicate whether different fees will be charged for work after normal office hours and on weekends and public holidays.

¹⁶ Only paid-up members of AFSA can apply to become a member of the panels. In addition to the yearly membership subscription fee a once off panel application fee is payable on application per panel.

Founding members: R456,00 incl. VAT - per panel (once off)
All other members: R513,00 incl. VAT - per panel (once off)

I herewith confirm that I took note of the Code of Conduct for Arbitrators (page 13 to this application form) and that I fully subscribe thereto.

I herewith agree to AFSA levying 10% (ten percent) of the fee due to me as arbitrator / mediator in any AFSA administered matter, any matter conducted in terms of the AFSA Rules or any matter where my appointment came about as a result of my name being put forward on an AFSA Panel list.

I further undertake to disclose to the AFSA Secretariat when and if I have been approached to act as an arbitrator, mediator or in any other capacity as a result of AFSA furnishing the parties with information or if the matter is to be conducted in terms of the AFSA Rules and Procedures in which event the 10% levy becomes due to AFSA.

SIGNATURE

DATE



The Arbitration Foundation of Southern Africa

CODE OF CONDUCT FOR ARBITRATORS

By accepting appointment to the Panel of Arbitrators established and maintained by The Arbitration Foundation of Southern Africa each arbitrator undertakes to adhere to these principles and standards of conduct.

- The arbitrator will always discharge his/her duties in such manner as to ensure a fair administration of justice between the parties.
- An arbitrator will not accept appointment unless he/she is satisfied that he/she can act impartially and independently in that matter. He/she will disclose to the **AFSA** Secretariat before appointment any matter known to him/her which could impair, or which might reasonably be thought to impair, his/her ability to act with due impartiality and independence.
- An arbitrator will act diligently and efficiently, and always with due courtesy to the parties and their witness.
- It is a condition of the appointment that the arbitrator will devote sufficient time and proper attention to the matter.
- The arbitrator will insist that the proceedings remain confidential unless the parties agree otherwise.
- The arbitrator employ procedures which avoid unnecessary cost or delay and which promote the efficient despatch of his/her task.
- The arbitrator will abide the rulings of the Ethics Committee of **AFSA** as published from time to time and accepts the duty to inform the Committee of any matter or thing which may be relevant to his appointment as an arbitrator in any particular case or to the desirability of his/her continued appointment to an **AFSA** Panel of Arbitrators.
- The arbitrator undertakes to co-operate with the **AFSA** Secretariat in order to facilitate their work in administering any arbitration to which he is appointed as arbitrator. The arbitrator undertakes to remain at all times an **AFSA** Panellist in good standing.