

Member's Profile

Questions for the Member's Profile (eSolver)

Section 1

1. **Why have you decided to specialise in arbitration and adjudication? Tell us about your legal journey to ADR (arbitration dispute resolution).**

My interest in ADR started from when I was a junior barrister in Fountain Court London and assisted my senior barristers Trevor Philipson, Andrew Smith ACI Arb (later Judge) and Tom Bingham FCI Arb (later Lord Chief Justice of England) engaged with substantial litigation and arbitration work. It was good work with considerable learning opportunities. I also worked as a Contracts Manager in the Legal Department of the then London Borough of Islington where my main engagement was with the preparation and compiling of construction contracts —at a time the Borough was doing substantial development and re-development works on its municipal buildings. Thereafter I was appointed High Court Judge in Kenya. After leaving the bench, I became a member of the Chartered Institute of Arbitrators with an arbitration practice based in Nairobi, while also tutoring entrants to CI Arb's Kenya branch.

2. **How is your arbitration/adjudication practice different from your general litigation experience?**

My arbitration practice differed from general litigation in that the formalities attendant to practising as a barrister were almost absent in arbitration practice – no wig and gowns, with a lot less formal barristerial language, paraphernalia and niceties. I enjoyed the company of barristers and judges unlike the amorphous company of arbitration practitioners from disparate disciplines and professional backgrounds.

3. **What do you consider to be your biggest achievement in the field thus far?**

My biggest achievement included winning the Best Award Writing Prize in 1997, and the honour and privilege of joining the August Company, as co-arbitrator, of distinguished professionals like Lord Mustill FCI Arb, Arthur Harverd FCI Arb, Professor William Park FCI Arb and other less well known but fascinating company.

4. **What do you consider to be the biggest challenge in your career?**

The biggest challenge in my career was combining and sustaining my interest in academia while also engaged in steady arbitration work. I taught at Universities in Kenya, obtained a doctorate degree in Law at Stellenbosch University, and managed to win the coveted prize of "African Arbitrator of the Year" (2019).

5. **What do you consider as the biggest challenge for the ADR in the future?**

The biggest challenge for ADR in the future would include mastering the technologies and skills for conducting Virtual Hearings and online rules in ADR.

6. **If you had a time machine, what piece of advice would you give to yourself at the beginning of your career?**

With a time-machine, I would advise myself from the beginning to work harder, with a more focused study of the field, learn more international languages and open up to more foreign cultures.

7. **How has a membership with the CIArb benefitted your career?**

The benefits of my membership with the CIArb include access to the growing literature in the field, networking, socialising, acquiring and sharing knowledge with other colleagues and learning from their experiences.

8. **Are there any developments in the field of ADR which you consider to be current “hot topics”? What is your opinion on them?**

Current hot topics include: the development of more equitable investment arbitration rules, diversity, and eliminating the disadvantages relating to race, gender and bias in appointments, trends in African BITs and investment arbitration, technology and digitization in arbitration and virtual hearings, and adapting commercial arbitration rules to emerging trends.

9. **Is there any particular jurisdiction in which you see a lot of potential for ADR in the future?**

I think there is potential in Kenya and East African jurisdictions generally. There is substantial growth in commercial and investment arbitration in the East African region, and indeed in Africa as a whole, evident from the World Bank and IMF surveys since 2013 and UNCTAD Reports in 2016, 2017 to date. This means engaging with dispute resolution at an expert level and standards in the economic, technological, and other infrastructural projects in Africa, with consequential opportunities for ADR work.

10. **Are there any interesting developments in your CIArb Branch?**

Interesting developments in CIArb Kenya Branch include the planned development of an ADR Register/State of Arbitration Report for accessing international expertise, achieving greater visibility and networking regionally; and to provide information on the number of ADR practitioners and their contacts, mentorship programmes for younger entrants to CIArb, with substantial infrastructure comprising an ADR Centre for conducting ADR work, a professional library, and compiling arbitral/judicial awards.

11. **In terms of diversity in the legal profession, do you feel that you have seen real change? What more still needs to be done?**

Regarding diversity in the legal profession, there is real change by admitting more women into the profession. What needs to be done would include improving the quality of training, raising the educational and practical standards, and engaging better and more suitably qualified lecturers and mentors.

12. **Would you encourage a young legal professional to develop skills in the ADR field? What advice would you have for them?**

I would encourage the development of ADR skills for young legal professionals and encourage them to work hard to improve the delivery of ADR services. Also, to develop personal attributes of self-respect, humility, politeness and respect for colleagues and others in the profession, and to be aware of the importance to society of the work and services they provide.

13. **As a member of CI Arb, what can you say about the importance of CI Arb's engagements via their flagship and branches events?**

The importance of CI Arb's events includes information sharing, networking, and access to members regionally and globally, and the opportunity and benefit of accessing international professional assistance and advice when needed.

Section 2

1. **Tell us about your interests, hobbies or activities outside of work.**

I enjoy classical music, especially choral music which I collect as I go along. I am happy to be a member of Christ Church College, Oxford and friend of the Christ Church Cathedral.

2. **If you could meet for dinner a famous person, dead or alive, who would that be?**

For dinner, I would enjoy meeting again Tom Bingham (former Lord Chief Justice of England and Pupil Master), Professor Derek Roebuck MCI Arb (very close friend) and Dame Rosslyn Higgins (we were taught at Cambridge by same professors – Professor Robert Jennings and Eli Lauterpacht).