

VIAC CAN Newsletter for the CEE region

GET TO KNOW YOUR ARBITRATOR!

Interview conducted by: VIAC Ambassador for Romania Sofia-Elena Cozac - Stratulat Albuлесcu SPARL, Romania.

In this month's edition of the **VIAC CAN Newsletter**, we had the honour of conducting a short interview with Dr. Cristina Alexe, FCI Arb.

Dr. Cristina Alexe is Partner of a Romanian law office having over 24 years of experience in legal matters. She is a Fellow of the Chartered Institute of Arbitrators and has graduated from the *ICC Advanced Arbitration Academy for Central and Eastern Europe*, a unique two-year basis advanced level training designed for professionals interested in pursuing a career as an international arbitrator, held under the auspices of the ICC Institute of World Business Law and ICC International Court of Arbitration. Cristina Alexe holds a PhD *summa cum laude* in Civil Procedure on "*The Civil Trial Judge between a Pro-active Role and Arbitrariness*". She acted and continues to act as an international arbitrator under the Rules of ICC, DIS, VIAC, CICA CCIR, UNCITRAL, having handled more than 40 (forty) cases as co-arbitrator, presiding arbitrator and sole arbitrator under Romanian, French, German, Swiss, Lithuanian, and English law in the past 8 years. Dr Cristina Alexe's arbitration experience is complimented by her strong knowledge and continued practice as a transactional lawyer in M&A/Privatisation, Banking & Finance, Real Estate and Project Finance areas. She is Lecturer at the International Arbitration LL.M. Faculty of Law, University of Bucharest since 2013. Dr Cristina Alexe is the Editor in Chief of the *Romanian Arbitration Journal* a Wolters Kluwer/ Kluwer Arbitration publication in the field.

1. **VIAC:** *Describe your approach to arbitration / your arbitration philosophy in a few words.*

Dr. Cristina Alexe: It is about continuous respect for ethical standards, benefiting of and encouraging on a case-by-case basis flexibility of the arbitration proceedings with strong regard to due process and confidentiality of procedure (if requested), civil law trained, pro-active style, early engaging in the process by good preparation of the case. Knowing the file very well is key, that is not only general knowledge of the issues raised but the entire minutiae of the case and how these issues were put forward by the parties, so as to respect their manner of framing the dispute. International arbitration is an amazing combo of civil procedure, private international law, public international law, comparative law, creativity, open minds, excellent level of cross-cultural interactions and a self-regulating system on what regards true ethical standards, understanding and staying true to the honourable mission that both counsel and especially arbitrators have in serving the parties in their dispute resolution.

2. **VIAC:** *Why would you encourage your clients in CEE / SEE to choose VIAC as an arbitration institution?*

Dr. Cristina Alexe: VIAC brings almost 50 years of experience being an arbitral institution closer to the Central and Eastern Europe political realities, with the latest version of the VIAC Rules (July 2021) extremely flexible and translated in several CEE languages, including Romanian. VIAC also

took the effort - as other institutions - to cater separately for investment arbitration, having in truth the advantage of offering a lower costs and shorter time frame for the international arbitration users' dispute resolution.

3. **VIAC:** *What strategies do you employ to ensure effective dispute resolution? How do you manage and expedite the proceedings?*

Dr. Cristina Alexe: Preparation is key. Reading the file from day one in real time, preparing in advance the arbitral award on those sections that allow it and keeping the parties alert on their own case by considering additional rounds of conferences with the parties after the second round of written submissions and before the hearing in order to address main issues, in addition to the standard CMC and Pre-Hearing on procedural matters, indication of limited issues for post hearing briefs. In a three-member tribunal to try to engage the other members of the tribunal in early deliberations at least immediately before the hearing on main issues and streamline drafting the award with authentic consideration of all interpretations available in law.

4. **VIAC:** *What three qualities are most important in an arbitrator and how should a client go about choosing the perfect arbitrator?*

Dr. Cristina Alexe: A true professional is not only excellently legally trained in arbitration and on the substance of the matter in question, he or she should have gathered the typical soft skills required for the dispute resolution mission whilst meeting two crucial points expected: honesty on ethical standards and actual availability for that particular case.

5. **VIAC:** *You have achieved so much in the field of arbitration, is there a personal or professional achievement you are particularly proud of?*

Dr. Cristina Alexe: For my case achieving much in the field of arbitration is an overstatement yet I thank you for your kind words. The two projects I am currently most proud of are: my work as Editor in chief of the *Romanian Arbitration Journal*, a Wolters Kluwer law journal, the only one in the Central Eastern Europe that is available with its entire archive in Kluwer Arbitration database that helps promote arbitration in the CEE region alongside my participation in formal training offered for over a decade by the Faculty of Law, University of Bucharest through its English language LL.M. on *International Arbitration* where I teach and have witnessed the amazing spread of true interest in the subject throughout generations.

6. **VIAC:** *What was one of your funniest moments during an arbitration hearing?*

Dr. Cristina Alexe: That is probably the one related to the first international arbitration videoconference witness hearing extremely early in the pandemic before any protocol was made available. Zoom platform was still experimenting with translation channels available for the tribunal, counsels, interpreters and witnesses in three languages that got mixed up by the technician helping out. For a period of time - which then seemed awkwardly long - each participant was listening in turn to anything but the correct language expected, so that at one point the witness examination reached a sort of Louis de Funès French cinema comic atmosphere, ending of course well.

7. **VIAC:** *Do you have any tips for the next generation of lawyers in order to assist them in pursuing a successful career in arbitration?*

Dr. Cristina Alexe: Apart from the obvious continuous education and practice as counsel in several law specialisations of choice, familiarity with civil procedure and international arbitration particularities which can be exercised not only with every chance given in real life situations but also by acting as arbitrator, counsel, expert witness in all available moot arbitration competitions, doing work as tribunal secretary, writing articles on topics of interest including case law commentaries and accepting work on international arbitration events, conferences and trainings in their local jurisdictions.

8. **VIAC:** *Do you have a “secret recipe” to ensure a good Work Life Balance while enjoying a successful arbitration career?*

Dr. Cristina Alexe: Do not compete with others, always respect your peers for each of them has his or her strength in one field or another and has done better than you in certain aspects. The key is to continuously learn from all interactions and not by trying to be the best but to always find a better alternative that suits your work for that certain project. Do not run away from *pro bono* projects, which are key for the world of international arbitration that still needs plenty of promotion and support particularly in the Central and Eastern European area, since the entire community will reap the benefits from the contribution of each of us.

9. **VIAC:** *Thank you very much for your interview!*

Dr. Cristina Alexe: Thank you very much for this opportunity!