

ASK EXPERIENCED PRACTITIONERS

Association of Arbitrators (Southern Africa) NPC

Online Workshop
20 March 2026



ADR QUESTIONS AND ANSWERS

Join us for this interactive online workshop, presented by Mr Jonathan Mitchell, the Regional Branch Chairman of our Western Cape branch, as part of the Association's ongoing mission to provide regular upskilling opportunities for its members and for everyone interested in alternative dispute resolution (ADR).

ABOUT THE WORKSHOP:

The questions below have been prepared for the purposes of upskilling seasoned ADR practitioners who have become somewhat 'rusty', alternatively are to be discussed to equip new ADR practitioners with the necessary knowledge to conduct arbitral proceedings properly, professionally and skillfully. This workshop will also be beneficial to the Association's students as it will assist in preparing them to become competent arbitrators.

The online workshop will be an open discussion and debate forum where Mr Mitchell, an experienced arbitrator, will act as the chairperson of the deliberations.

The following questions are for discussion, debate and deliberation at the workshop:

1. What are the advantages to a Claimant in terms of the JBCC Adjudication Rules when a Claimant refers a dispute for resolution to adjudication as opposed to arbitration?
2. How should an Arbitrator handle a hearing where one party is legally represented, but the other party is not?
3. What should an Arbitrator do when he/she realises, after reading the pleadings, that he/she has previously been involved with one of the parties/directors of a party?
4. What should an Arbitrator do when one of the parties refuses to co-operate and participate in the arbitral proceedings and refuses to attend a preliminary arbitration meeting, although he/she is bound by an arbitration agreement?
5. What can an Arbitrator do if the Respondent to the arbitral proceedings fails to file its Statement of Defence timeously and continually requests an extension of time for its filing?
6. What should an Arbitrator do when a Respondent has amended its Statement of Defence and Counter Claim five times already and now requests to amend same for a sixth time, which will cause serious delay and disruption to the arbitral proceedings?
7. What should an Arbitrator do when, at the hearing, Counsel for Claimant states that the Respondent does not have *locus standi* in these arbitral proceedings?
8. If an Arbitrator has made an error in his/her award, by awarding R100 000 in favour of Claimant when he/she meant to award R1 000 000 in favour of Claimant, can he/she recall the award to make corrections thereto?
9. What should an Arbitrator do when he/she receives an application that his/her award is going to be challenged in the High Court, alternatively taken on review in the High Court?
10. Should the Arbitrator allow Expert Witnesses of the two respective parties to sit in at the hearing at the same time?
11. Should the Arbitrator allow witnesses on fact from the two respective parties to sit in at the hearing at the same time?

ABOUT OUR PRESENTER:

Mr Jonathan Mitchell:



Jonathan is the Western Cape Regional Branch Chairman of the Association of Arbitrators (Southern Africa). He is also a Director and Life Fellow of the Association. He is a practicing Arbitrator; Adjudicator; and Mediator in the Western Cape and has been practicing since 1994.

Jonathan has a wealth of knowledge and experience in the field of Alternative Dispute Resolution and runs a busy consulting practice in Cape Town. He specialises in the field of disputes in the construction industry and is a Past President of the Master Builders and Allied Trades Association; is a Past Chairman of the Building Industry Bargaining Council; and is a Fellow of the Chartered Institute of Building.

DATE: Friday, 20 March 2026 **TIME:** 10:00 to 12:00

LINK: The Zoom link will be emailed to you upon receipt of your completed [Registration Form](#) and, where required, upon receipt of payment.

COST (incl. VAT):

AoA Members:	R 0.00
ACPM, BI Arb, CESA, MBA, RICS, SAICE and WISA Members:	R 50.00
Non-members:	R 100.00
University Students, Professional Trainees, Pupil Advocates and Candidate Attorneys:	R 0.00

RSVP BY: Thursday, 19 March 2026
Irrespective of whether you are a paying or non-paying attendee, please send your completed [Registration Form](#) to our Financial Manager **Michelle Venter** at michelle@arbitrators.co.za

THEY SAID WHAT?



"Provided great insight into the subject matter."



"Thank you Jonathan, once again, for a very productive workshop."



"This was most useful. I will certainly attend the next one. Thank you very much."



"Thank you! Much needed for day to day practicalities."



"Very informative, thank you."



"I would like to see this as a regular feature. The workshop was very helpful with many issues where there is often uncertainty."