

President's Message

Much has been written about the professional and ethical duties of arbitrators. But what about the professional and ethical obligations of *counsel* in arbitration proceedings? Party counsel in international arbitration often act outside of their home jurisdictions and, in addition, come from different jurisdictions. This raises the question of which rules should govern their professional rights and obligations – those of their home jurisdiction, those of the place of arbitration or some other rules? The issue has so far been discussed mainly in relation to counsel's professional secrecy rights and counsel's obligations as regards contacts with witnesses. There are, however, further interesting issues relating e.g. to counsel's professional duties in dealing with party-appointed experts, the extent of professional obligations to disclose evidence adverse to one's party own interests and, with respect to the counsel-client relationship, the scope of admissible fee arrangements. Obviously, if counsel are subject to different professional rules as regards such issues, this could have a significant impact on the parties' relative procedural positions in a specific arbitration and, more generally, on the competitive position of attorneys from different jurisdictions on the international arbitration market.

The next ASA Conference, which will be held on Friday, 21 September 2007 in Bern in connection with our annual members' meeting will be dedicated to these issues. I hope the topic finds your interest and I look forward to seeing you in Bern.

Zurich, April 2007

Markus Wirth