



# **Innovation in Legal Services – Litigation Funding and a Tesla Approach to Justice**

By Vitaliy Kozachenko, Managing Director, Fortior Law S.A.



---

## FORTIOR ARBITRATION GUIDE

---

A PRACTICAL TOOL FOR  
INTERNATIONAL ARBITRATION

---

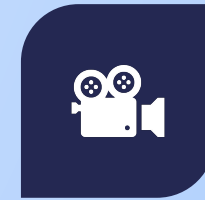
FORTIOR LAW



# Arbitration Guide features



TEMPLATE  
DOCUMENTS



VIDEO  
LECTURES



BOOK

# Video Lectures

From introduction to

The screenshot shows a website interface for video lectures. At the top, there is a navigation menu with links for Home, About, Video, Book, Template, Services, and More. A user profile icon is visible in the top right corner. Below the navigation, the page is titled "All Videos" and "All Categories". The main content area displays a grid of video lecture thumbnails. Each thumbnail features a man in a suit speaking. Below each thumbnail, the video title, duration, and a brief description are provided.

Video Title	Duration	Description
Fortior Law <b>Fortior Arbitration Guide - Introduction</b>   02:41	02:41	Fortior Arbitration Guide - Introduction This is an introduction to a short series of video lect...
Fortior Law <b>Fortior Arbitration Guide - Lecture 1 - How to Commence ...</b>   10:03	10:03	This lecture explains how to commence arbitration proceedings and prepare a notic...
Fortior Law <b>Fortior Arbitration Guide - Lecture 2 - Tribunals: Selection...</b>   11:44	11:44	This lecture explains how to select and appoint the arbitral Tribunal and how to challenge bi...
Fortior Law <b>Fortior Arbitration Guide - Lecture 3 - Common Procedure...</b>   14:00	14:00	This lecture explains the standard procedural steps in international arbitration. To learn mo...
Fortior Law <b>Fortior Arbitration Guide - Lecture 4 - Written Submissions</b>   07:06	07:06	This lecture explains covers the written submissions most common in international ar...
Fortior Law <b>Fortior Arbitration Guide - Lecture 5 - Common Procedural...</b>   10:11	10:11	This lecture covers three most common applications in international arbitration: appl...

# TEMPLATES DOCUMENTS

ARBITRATION NO. XXXXXX

IN THE MATTER OF AN ARBITRATION UNDER THE ARBITRATION RULES OF THE  
LONDON COURT OF INTERNATIONAL ARBITRATION

BETWEEN:

X PETROLEUM LTD	Claimant
- and -	
C OIL COMPANY LTD	Respondent

---

PROCEDURAL ORDER NO. X

---

UPON receiving the Claimant's Request for Arbitration and the applicable commencement fee on 1 August 2017 (the "**Commencement Date**")

UPON receiving the Respondent's Response to the Request for Arbitration on 29 August 2017<sup>1</sup>

UPON reviewing the parties' proposed directions for the onward procedural course of this arbitration

**IT IS HEREBY ORDERED** that:

**General Directions**

- All deadlines specified in this Order shall be 5pm London time on the date specified.
- Any documents disclosed during the course of or in connection with these proceedings, if not in the English language, shall be accompanied by an accurate English translation.

**Written Submissions**

- The Claimant shall serve its Statement of Case by 1 October 2017.<sup>2</sup>

<sup>1</sup> The Response to the Request for Arbitration must be filed within 28 days of the commencement date, in accordance with Article 2.1 LCIA Rules.

<sup>2</sup> The Statement of Case must be filed within 28 days from receipt of Registrar's written notification of the Arbitral Tribunal's formation, in accordance with Article 15.2 LCIA Rules. Alternatively, you may deliver to the Tribunal a statement that you wish your Request for Arbitration to be treated as your Statement of Case.

1

To: The London Court of International Arbitration  
70 Fleet Street  
London  
EC4Y 1EU  
United Kingdom

Date: \_\_\_\_\_<sup>1</sup>

Dear Sirs,

**Re: LCIA No. 000001 – X Petroleum v C Oil – Challenge to Appointment of Arbitrator**

1. Pursuant to Article 10.1 of the LCIA Rules 2014, X Petroleum, the Claimant, respectfully requests that the LCIA Court revoke the appointment of Mr XX, the arbitrator nominated by the Respondent, in the abovementioned proceedings, for the reasons set out below.

**Background**

2. These proceedings commenced on the 1 July 2017, when the Claimant filed its Request for Arbitration (the "**Request**") and paid the applicable commencement fee to the LCIA. In its request, the Claimant nominated Mr X as its arbitrator. The Respondent, in its Response to the Request for Arbitration dated 14 July 2017 (the "**Response**") nominated Mr XX as its arbitrator. The nominations were approved by the LCIA on the following day and the appointed arbitrators appointed Mr XXXX as the presiding arbitrator on 20 July 2017. The arbitral tribunal was thereby duly formed.

3. The Claimant did not challenge the appointment of Mr XX from the outset, as it had no reasons to believe that this was required. However, the Claimant has recently discovered certain facts which it believes constitute sufficient grounds for the immediate revocation of Mr XX's appointment.

4. The Claimant also wishes to draw the LCIA Court's attention to the conduct of Mr XX during the course of the proceedings to date, which the Court may wish to take into account when considering the Claimant's challenge.

**The Applicable Standards under the LCIA Rules and the IBA Guidelines**

5. It is trite that the independence and impartiality of arbitrators are the pillars of the arbitration process. Arbitrators must not only necessarily be impartial *vis-à-vis* the parties, but they must also be clearly seen as being impartial, as to appear otherwise would negatively impact the credibility of arbitration as a means of alternative dispute resolution.

6. Article 10.1 of the LCIA Rules says that the appointment of an arbitrator may be revoked "*circumstances exist that give rise to justifiable doubts as to that arbitrator's impartiality or independence*".

7. The test for whether 'circumstances exist that give rise to justifiable doubts' is an objective one, pursuant to which it has to be determined whether a reasonable, fair-minded and informed person has justifiable doubts as to the arbitrator's impartiality.<sup>1</sup> The assurances of an arbitrator with respect to their independence and impartiality, no matter how genuine, should not be relevant when undertaking such an assessment, and should certainly not be

<sup>1</sup> This challenge must be filed within 14 days of the formation of the tribunal in your case or within 14 days of becoming aware of any facts and/or circumstances which would constitute sufficient grounds to challenge the appointment of an arbitrator or to revoke his/her appointment.

LONDON COURT OF INTERNATIONAL ARBITRATION

Arbitration No. \_\_\_\_\_

BETWEEN:

NAME OF CLAIMANT	Claimant
- and -	
NAME OF RESPONDENT	Respondent

---

REQUEST FOR ARBITRATION

---

[insert Claimant's full name and contact details  
(address, e-mail and telephone number)]  
[insert date]

I. INTRODUCTION

1

Go to Templates Library

# All Our Patent Are Belong To You

Elon Musk, CEO • June 12, 2014

Yesterday, there was a wall of Tesla patents in the lobby of our Palo Alto headquarters. That is no longer the case. They have been removed, in the spirit of the open source movement, for the advancement of electric vehicle technology.

Tesla Motors was created to accelerate the advent of sustainable transport. If we clear a path to the creation of compelling electric vehicles, but then lay intellectual property landmines behind us to inhibit others, we are acting in a manner contrary to that goal. Tesla will not initiate patent lawsuits against anyone who, in good faith, wants to use our technology.

Technology leadership is not defined by patents, which history has repeatedly shown to be small protection indeed against a determined competitor, but rather by the ability of a company to attract and motivate the world's most talented engineers. We believe that applying the open source philosophy to our patents will strengthen rather than diminish Tesla's position in this regard.

Be the first to receive the latest Tesla news, events and product updates.



# ADVANTAGES

- Run arbitration yourself if you do not or cannot engage lawyers
- Participate in what your lawyers are doing in an informed manner and save costs
- Fill the gap between academic education and practical skills

# Litigation funding

- Standard model – funding good claims against creditworthy defendants for a share in the recovery
- Lower value claim funding – provided the defendant is creditworthy and we think we can recover our legal fees
- Funding for defence work on 100% contingency fees if the defendant is creditworthy and the claim is likely to be defended
- Funding for defence work on contingency fees where the defendant is likely to lose for a share of a discount obtained to an agreed estimated loss
- Potential funding for transactional work in exchange for equity



**Vitaliy Kozachenko**

**Fortior Law S.A.**

**Boulevard des Philosophes 7**

**1205 Geneva**

**Switzerland**

**+41 22 548 1748**

**[vitaliy.kozachenko@fortiorlaw.com](mailto:vitaliy.kozachenko@fortiorlaw.com)**

**[www.fortiorlaw.com](http://www.fortiorlaw.com)**

**[www.arbitration-guide.com](http://www.arbitration-guide.com)**