

**Lecture by Klaus Reichert, moderated by Marike Paulsson**  
**Emergency Relief: Institutional Role and Further Regulations Necessary?**  
**Miami International Arbitration Institute**  
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According to Reichert, when pressed by Paulsson whether he is in favor of not of emergency relief, he posed that the debate of whether the emergency procedure is good or bad, and whether it should be encompassed by the institutions' rules is over as is the debate on Brexit. Reichert points out how lawyers need to deal with rules on a daily basis: how awards on emergency relief need to be enforceable under the 1958 New York Convention and how at that enforcement phase many national arbitration laws come into play. The model law addresses enforcement of interim measures but the Miami lecture focused foremost on the question as to how one resists emergency arbitrators and expensive proceedings while anticipating the merits and avoiding contradictory outcomes. Reichert set out the basics of how to initiate a procedure for emergency relief and how institutions would decide whether emergency relief is necessary or not. Reichert set out how there are two institutional approaches. The first is to only require the payment of the fees and the second is to apply some institutional scrutiny. The first is based predominantly on the idea of party autonomy. Reichert pointed out how these proceedings can be expensive and filed at awkward times for the opponent. He raised the due process concerns and how the consequences of such relief can be serious and impact the merits of the case. The role of the institutions thus varies and equally the nature of emergency relief is influenced by different legal cultures and the role and function of national courts. In the emergency relief one must define the prayer for relief. One must be cautious of bad faith, dilatory tactics and frivolous emergency requests. There can be no disconnect between the emergency relief and the procedure

on the merits. What are the consequences of the emergency order? Once you have it, what are the proof requirements for getting the injunction? Reichert points out how at the enforcement stage there is a proof gap and how most of his cases ended up being settled. Ultimately, it's about what the user wants and the lesson learned: emergency relief is here to stay.