

**The XVI International Research-to-Practice Conference**  
**Ekaterinburg, Russia**

The XVI International Research-to-Practice Conference dedicated to the memory of M.I. Kovalyov (also known as the Kovalyov Readings) was held in Ekaterinburg, Russia, between February 14th-15th, 2019 and took as its theme "The Right Mistake or Crime". The aim of the Kovalyov Readings is to bring together legal scholars and practitioners to debate and discuss over-arching topics of broader interest. I was fortunate to be invited not only to attend, but to contribute as a speaker on a panel. Russia is a beautiful country full of opportunity and I am very grateful to the Bar Council and COMBAR for the international grant that allowed me to participate in the Kovalyov Readings.

I arrived in Ekaterinburg a few days early and was fortunate that the temperature was a “tropical” -15°C (a huge improvement on the slightly less comfortable -40°C the city had been experiencing the week before). The benefit of arriving early was that I was able to work remotely from the hotel (Ekaterinburg is 5 hours ahead with no direct flights from London) but also have a few informal meetings to network with other attendees and brush up on my Russian language skills (in which respect I regret to report my first attempt at humour in Russian was met with what can, at best, be described as polite laughter).

The first day of the conference proper included plenary sessions exploring: (i) the tension between the innate human capacity to make mistakes and the point at which liability for mistakes arises; (ii) when commercial risk taking turns from acceptable / dynamic behaviour to socially harmful; and (iii) the extent to which medical professionals’ fear of making mistakes drove overly cautious / conservative clinical behaviours. The day culminated with a public talk at one of Russia’s leading law schools, the Ural State Law University, entitled “The right to make mistakes and perfectionism in the legal profession” followed by a live jazz at a cocktail-fuelled networking session at the Yeltsin Centre.

I spoke on the second day at the parallel Arbitration Conference addressing the costs and consequences of mistakes in ADR. A week before the conference, the panellists had been invited to share their slides with each other. This led to a heart-stopping moment when, upon opening one of my co-speaker’s slides (a partner in an Austrian Law Firm), I was confronted with a talk that was entirely in Russian and found myself questioning whether I had accidentally agreed to do the same. Fortunately, we were provided ear-pieces and live translation which allowed me to speak in English (though unfortunately my jokes in this language were no more warmly received).

My panel event was focussed on the scope for mistakes with arbitration agreements, with wide-ranging and interesting discussions looking at basic drafting tips, the arbitrability of anti-trust disputes (including whether there was a duty on arbitrators to report anti-competitive behaviour), and sanctions

risks. I decided to speak on two topics, namely the formalities required by certain agreements as a matter of English law and the interpretation of Arbitration clauses, looking at the recent Royal Commission on electronic signatures and whether Lord Hoffmann's entreaties to reasonableness in *Fiona Trust* would survive a more textual approach to contractual construction signalled by the Supreme Court in *Arnold v Britton and Wood v Capita*.

The remainder of the conference included sessions on dealing with the mistakes of arbitrators and the exercise of procedural rights. I was incredibly fortunate after the conference was over to be invited to a private dinner of the Russian Federal Chamber of Lawyers, where I was able to speak to a number of lawyers and discuss the conference / the legal market in Russia more generally. So far, I have three follow up lunches planned for London and I am hoping to meet many of my new networks at arbitration conferences in Minsk and Kiev in September.

In terms of lessons learned, I would say the following. From a business development perspective, there is no substitute for being consistently present at events that those you would like to get instructions from are also at. As someone who is building a practice in international arbitration, I visit Russia fairly frequently, and it was out of one of these trips (and a lunch with the Director of the Russian Arbitration Centre) that the invitation to speak in Ekaterinburg arose. However, a balance has to be struck: even in the era of budget flights, lots of foreign travel can become ruinously expensive very quickly. That's why the International Legal and Professional Development Grant Programme is such an unambiguously good thing. With that in mind, if you are a young barrister looking to add an international dimension to your practice, I would whole-heartedly recommend applying and exploring the world of personal and professional development opportunities that exist overseas.

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